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# INDEX TO BILLS

Third Session, 17th Parliament,

22-23 George V, 1932.

PART II

Admiralty Act (An Act to amend the) No.15
Agreement between H.M.the King and the Corporation of the City of Ottawa (An Act to authorize an)..... 12
Autographic Register Systems,Limited (An Act respecting certain patents of 31
Bank Act (An Act to amend the)..... 16
Bankruptcy Act (Locality of a debtor) (An Act to amend the)..... 36
Bankruptcy Act (An Act to amend the).. 41
Boards of Trade Act (An Act to amend). 3
Boundary between the Provinces of Alberta and British Columbia (An Act respecting the)..... 2
Canada Shipping Act (Coasting Trade) (An Act to amend the)..... 74
Canadian National Railways and to autho rize the guarantee by H.M. of securi- ties to be issued under the C.N.R.'s Financing Act,1932 (An Act respecting) 71
Canadian National Railways and to provide for an extension of the time for the construction or completion of certain lines of railway (Act resp.) 70
Canadian National Railways and to autho rize the guarantee by H.M. of securi- ties to be issued under the C.N.R.'s Financing Act,1931, No.2 (Act resp.) 40
Canadian National Railways and to authorize the provision of moneys to meet expenditures made and indebtedness incurred during the calendar year 1932 (An Act respecting)..... 34
Canadian National Railways and to authorize additional provision of moneys to meet expenditures made and indebtedness incurred during the calendar year 1931 (An Act resp.).... 21
Canadian Pacific Railway Company (An Act respecting)..... 35
Civil Service Act (An Act to amend).... 99
Civil Service Act (Vacancies, Outside Service) An Act to amend..... 14
Companies Act (Registration and Trans- fer Offices) An Act to amend..... 69
Companies Act (An Act to amend the).... 61
Competition in Trade and Commerce (An Act respecting Unfair)..... 5
Criminal Code (Summary trials) An Act to amend the..... 7
Criminal Code (Conveyance of prohibited articles (An Act to amend the)..... 11
Criminal Code (Cheques without funds and grand Juries (An Act to amend)..... 22

Criminal Code (Promoting changes) An Act to amend the..... No.28
Criminal Code (Trustees defined. Disposition of fines) An Act to amend the... 42
Customs Tariff (An Act to amend the).... 95
Debts due to the Crown (An Act respecting) 25
Destructive Insect and Pest Act (An Act to amend the)..... 18
Eastern Bank of Canada (An Act respecting) 65
Excise Act (An Act to amend the)..... 27
Export of Gold (An Act respecting the)... 45
Finance Act (An Act to amend the)..... 23
Fish Inspection Act (An Act to amend the) 6
Fisheries Act (An Act to amend and consolidate the)..... 10
Fort Smith-Fitzgerald Railway Company (An Act to incorporate the)..... 37
Incorporation of The Frontier College (An Act to amend the Act of)..... 53
Income War Tax Act (An Act to amend the). 92
Income War Tax Act (An Act to amend the). 96
Judges Act (An Act to amend the)..... 9
Judges Act (An Act to amend the)..... 91
Juvenile Delinquents Act (An Act to amend 8
Lake of the Woods International Bridge Company (An Act to incorporate)..... 46
Live Stock Record Associations (An Act respecting the Incorporation of)..... 73
Marriage and Divorce Act (An Act to amend) 17
Money for the public service of the financial year ending 31st March 1933 (An Act for granting to His Majesty certain sums of)..... 43
Money for the public service of the financial year ending 31st March 1932. (An Act for granting to H.M. certain sums) 39
Money for the public service of the financial year ending 31st March 1933. (An Act for granting to H.M. certain sums) 82
Money for the public service of the financial years ending respectively the 31st March,1932, and 31st March 1933. (An Act for granting to His Majesty certain sums of)..... 101
Montreal Central Terminal Company (An Act respecting The)..... 33
Montreal Harbour Commissioners' Act,1894. (An Act to amend The)..... 98
Ontario-Quebec Canal and Power Company. (An Act to incorporate the)..... 38
Opium and Narcotic Drug Act,1929. (An Act to amend The)..... 26
Ottawa and New York Railway Company (An Act respecting the)..... 32

Patent Act (An Act to amend the)..... No. 4
Petroleum and Naphtha Inspection Act. (An Act to amend the)..... 20
Railway Act (An Act to amend)..... 29
Railway Act (An Act to amend the)..... 44
Reduction of compensation in the Public Service. (An Act to provide for the) 19
Refund of Moneys received in connection with the administration of the Natural Resources. (An Act to authorize the)..... 64
Relief Measures (An Act respecting).... 72
Radio Broadcasting (An Act respecting). 94
Royal Canadian Mounted Police Act (An Act to amend the)..... 63
Soldier Settlement Act (An Act to amend) 100
Trade Agreement between Canada and New Zealand (An Act respecting a certain) 62
Unemployment and Farm Relief (An Act respecting)..... 24
Special War Revenue Act (An Act to amend) 102
Waterton Glacier International Peace Park (An Act respecting the)..... 97
Yukon Quartz Mining Act (An Act to amend) 30

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Third Session, Seventeenth Parliament, 22 George V, 1932

THE HOUSE OF COMMONS OF CANADA

# BILL 2.

An Act respecting the Boundary between the Provinces of Alberta and British Columbia.

First reading, February 8, 1932.

The SECRETARY OF STATE.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
40377 1932

3rd Session, 17th Parliament, 22 Geo. V, 1932

THE HOUSE OF COMMONS OF CANADA.

# BILL 2.

An Act respecting the Boundary between the Provinces of Alberta and British Columbia.

Preamble.

B.C., 1931, c. 8; Alberta, 1931, c. 6.

WHEREAS by Order in Council P.C. 337, approved on the eighteenth day of February, 1913, an invitation was extended by the Government of the Dominion of Canada to the Governments of the Provinces of Alberta and British Columbia to participate in the joint survey of the boundary line between the Province of Alberta and the Province of British Columbia; And whereas the said invitation was accepted by the Government of the Province of Alberta by Order in Council No. 534-13, approved on the sixteenth day of June, 1913, and by the Government of the Province of British Columbia by Order in Council No. 812, approved on the second day of June, 1913; And whereas by Order in Council approved on the eleventh day of July, 1913, J. N. Wallace, D.L.S., was appointed Boundary Commissioner to represent the Dominion on the joint survey of the boundary line, and whereas by Order in Council, approved on the twentieth day of September, 1915, R. W. Cautley, D.L.S., was appointed Boundary Commissioner to represent the Dominion in the place of the said J. N. Wallace; And whereas A. O. Wheeler, B.C.L.S., as Commissioner for the Province of British Columbia, with the said J. N. Wallace, as Commissioner for the Dominion up to the twentieth day of September, 1915, and the said R. W. Cautley, as Commissioner for the Province of Alberta and, after the twentieth day of September, 1915, for the Dominion as well, did subsequently enter upon the work of the joint survey of the said boundary line and did complete the same in or about the year 1924 from the International Boundary on the forty-ninth parallel of north latitude, northerly to a point on the one hundred and twentieth meridian of west longitude in or about latitude north fifty-seven degrees, twenty-six minutes, and forty and twenty-five one hundredths seconds; And whereas the said Commissioners have made due report of their

## Explanatory Notes.

The object of this Bill is to ratify and confirm the boundary as surveyed and marked upon the ground by the Interprovincial Boundary Commission between the Provinces of Alberta and British Columbia as the true boundary, whether or not the same increases, diminishes or otherwise alters the territory of the respective Provinces.

The Commission carried on the survey of the Boundary continuously from 1913 to 1924, at which time the Rocky Mountain section of the Boundary had been completed, together with 252 miles of the 120th Meridian survey to a point in Latitude 57° 26' 40". At this point the Governments decided to discontinue the survey for the time being, there being about 174 miles of the 120th Meridian still to be survsyed through uninhabited and unproductive country.

The work of the Commission was done in such a way as to earn the complete confidence in its technical accuracy of the Surveyors General of the Dominion and British Columbia and the Director of Surveys for Alberta.

The Report of the Commission, including an Atlas of Maps, was issued in three parts, signed copies of which have been transmitted to the Governments of Alberta and British Columbia, as well as being of record in the Topographical Survey of the Department of the Interior.

The object of the survey was not only to delimit the Boundary on the ground but also to establish the surveyed Boundary as the true and unalterable Boundary between the two Provinces according to law so that no possible dispute in regard to its position can arise in the future.

The Legislatures of Alberta and British Columbia have passed Acts consenting to the confirmation of this Boundary by the Parliament of the Dominion. Alberta, 1931, c. 6; British Columbia, 1931, c; 8.

said survey, and have caused the line indicating the boundary between the said Provinces to the extent aforesaid to be surveyed and marked upon the ground and to be duly laid down upon maps signed by them as such Commissioners, which said reports and maps have been printed and copies thereof deposited in the office of the Surveyor-General of the Dominion in the Department of the Interior; And whereas by section three of *The British North America Act, 1871*, it was enacted that the Parliament of the Dominion of Canada may from time to time, with the consent of the Legislature of any Province of the Dominion, increase, diminish or otherwise alter the limits of the Province, upon such terms and conditions as may be agreed upon by the said Legislature, and may, with the like consent, make provision respecting the effect and operation of any such increase or diminution or alteration of territory in relation to any Province affected thereby; And whereas the said Provinces have given their consent, by Acts of their respective Legislatures passed in the year nineteen hundred and thirty-one, to the establishment of the above mentioned boundary line, and it is expedient that the said line so surveyed, marked and laid down should be established to the extent aforesaid as the boundary line between the Province of Alberta and the Province of British Columbia: Therefore, His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Short title.

**1.** This Act may be cited as *The Alberta-British Columbia Boundary Act, 1932.*

Boundary line.

**2.** The line so surveyed, marked and laid down in the manner referred to in the preamble to this Act, to the extent thereof, is hereby declared to be the boundary line between the Province of Alberta and the Province of British Columbia, whether or not the same increases, diminishes, or otherwise alters the territory of either Province.

Third Session, Seventeenth Parliament, 22 George V, 1932

THE HOUSE OF COMMONS OF CANADA.

# BILL 3.

An Act to amend the Boards of Trade Act.

First reading, February 8, 1932.

THE SECRETARY OF STATE.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
41168 1932

3rd Session, 17th Parliament, 22 Geo. V, 1932

THE HOUSE OF COMMONS OF CANADA

# BILL 3.

An Act to amend the Boards of Trade Act.

R.S., c. 19.

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

**1.** Section three of the *Boards of Trade Act*, chapter nineteen of the Revised Statutes of Canada, 1927, is amended by adding thereto the following subsection:—

Use of names restricted.

"(2) No person shall within any district in which there is a duly constituted board, use the words 'Board of Trade' or 'Chamber of Commerce' as part of the name under which they are incorporated or doing business, or any other words so similar as to be liable to be confused therewith, unless they are incorporated as a body corporate and politic under this Act or under a special Act of the Parliament of Canada.

Penalty.

(3) Any person violating the provisions of the preceding subsection shall be guilty of an offence, and shall be liable on summary conviction to a fine not exceeding five hundred dollars and costs, and not less than one hundred dollars and costs, or to imprisonment for a term not exceeding six months, or to both fine and imprisonment."

Objections to other boards being formed where there are existing boards.

**2.** The provisions of subsection two of section six of the said Act shall apply to any application for incorporation under any special Act with the right to use the names "Board of Trade" or "Chamber of Commerce" or any other name so similar as to be liable to be confused therewith.

**3.** Section thirty-nine of the said Act is repealed, and the following is substituted therefor:—

Board may affiliate with Canadian Chamber of Commerce.

"**39.** (1) Any Board of Trade duly registered as aforesaid under the provisions of this Act, may become affiliated with the Canadian Chamber of Commerce, on duly complying with all the terms and requirements of that organ-

## Explanatory Notes

**1.** The purpose of this amendment is to prevent the possibility of persons or organizations using the name "Board of Trade" or "Chamber of Commerce" within any district occupied by a duly constituted Board.

**2.** Section 6 of the Boards of Trade Act reads as follows:—

"**6.** Where the district is situate wholly or partly within a district for which there is an existing board of trade, the certificate shall be accompanied by a statutory declaration of two or more of the persons signing the same as to

*(a)* the facts in that regard;

*(b)* the population of the existing district;

*(c)* the population of the proposed new district;

*(d)* The population of the existing district as diminished by the proposed change;

*(e)* any facts or considerations which made the establishment of the new board expedient.

2. In such cases

*(a)* the existing board of trade shall be afforded an opportunity to show cause against the proposed change;

*(b)* the certificate shall be recorded only with the sanction and authority of the Governor in Council."

**3.** Section 39 to be repealed and reenacted reads as follows:—

"**39.** Any board of trade duly registered as aforesaid, under the provisions of this Act, may become affiliated with the *Dominion Board of Trade* on duly complying with all the terms and requirements of that organization, and may be represented at all its ordinary or special general meetings, held from time to time.

2. The delegates or representatives to the *Dominion Board of Trade* shall be elected at a general meeting, duly convened, of the board of trade desiring such affiliation as aforesaid."

The underlined words in the text of the Bill show the proposed changes.

ization, and may be represented at all its ordinary or special general meetings, held from time to time.

Delegates to be elected at general meeting.

(2) The delegates or representatives to the Canadian Chamber of Commerce shall be elected at a general meeting, duly convened, of the board of trade desiring such affiliation as aforesaid."

**4.** Subsection three of section forty-three of the said Act is repealed, and the following is substituted therefor:—

Duplicates of annual summary.

"(3) Each of the said duplicates shall be signed by the secretary of the board of trade."

**4.** Section 43 of the Act requires every board of trade to make each year a summary of its name, manner of incorporation, date of last general meeting, and names and addresses of the persons who compose the council, to be filed in duplicate in the department of the Secretary of State.

Subsection 3 to be repealed and reenacted reads as follows:—

"3. Each of the said duplicates shall be signed by the *president and* secretary of the board of trade, *and shall be duly verified by their affidavits.*"

The words in italics are to be omitted.

Third Session, Seventeenth Parliament, 22 George V, 1932

THE HOUSE OF COMMONS OF CANADA.

# BILL 4.

An Act to amend the Patent Act.

First reading, February 8, 1932.

THE SECRETARY OF STATE.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
40417 1932

3rd Session, 17th Parliament, 22 Geo. V, 1932

THE HOUSE OF COMMONS OF CANADA.

# BILL 4.

An Act to amend the Patent Act.

R.S., c. 150; 1928, c. 4; 1930, c. 34.

HIS Majesty, by and with the advice and consent of the Senate and the House of Commons of Canada, enacts as follows:—

**1.** Section twenty-two of the *Patent Act*, chapter one hundred and fifty of the Revised Statutes of Canada, 1927, is amended by adding thereto the following subsection:—

Conflicting applications.

"(8) In any case in which the Exchequer Court has acquired jurisdiction to determine a conflict as aforesaid, the said Court shall also have jurisdiction, at the instance of any party to the proceedings, to determine whether the invention, which each of them claims that he was the first to make, is one for which any of them is entitled to obtain a patent under this Act."

**2.** Section thirty-five of the said Act is repealed and the following substituted therefor:

Two or more claims.

"**35.** When in any action or proceeding respecting a patent which contains two or more claims, one or more of such claims are held to be valid but another or others invalid and void, effect shall be given to the patent as if it contained only the valid claim or claims."

## Explanatory Notes.

**1.** When two or more independent inventors have each applied for a patent, section 22 directs that the question which of them was the first to make the invention is to be determined by arbitration, or alternately by proceedings in the Exchequer Court which any of the contesting inventors is permitted to institute. In practice arbitration is seldom resorted to and many disputes as to priority come up for consideration by the Court. Some of these are of great importance and one recently reached the Privy Council. The costs of such proceedings are however, sometimes thrown away, owing to the fact that the Court has, under the present law, no power to consider whether or not the invention in dispute is patentable to any party in the proceedings; the decision of the Commissioner that it is patentable is assumed to be correct, but this decision is subject to change on its reconsideration after the conclusion of the conflict proceedings and parties have in some cases found that the heavy costs of these proceedings have been thrown away. This section of the bill is designed to remove this difficulty and to prevent the issue of patents which, on being later considered by the Court, would be found to be invalid.

**2.** Section 35 of the Patent Act is in the following terms:—

"**35.** Whenever the plaintiff, in any such action, fails to sustain the same, because his specification and claim embrace more than that of which he was the first inventor, and it appears that the defendant used or infringed any part of the invention justly and truly specified and claimed as new, the court may discriminate, and the judgment may be rendered accordingly."

This section is limited in its operation to actions for infringement and there is no corresponding provision applicable to proceedings to impeach patents under Section 37 of the Act, as to which see the next section of the Bill. It has consequently been held that while in an action for the infringement of a patent effect can be given to a valid claim, notwithstanding that the patent also contains invalid ones, the contrary is true if the action is one in which the patent is sought to be impeached. The distinction between the two kinds of action is a purely formal and quite illogical one which this section of the Bill proposes to abolish.

**3.** Section thirty-seven of the said Act is repealed and the following substituted therefor:

Invalidation of patent.

"**37.** (1) A patent or any claim in a patent may be declared invalid or void by the Exchequer Court of Canada at the instance of the Attorney General of Canada or at the instance of any interested person.

Alleged infringement.

(2) If any person has reasonable cause to believe that any process used or any article made, used or sold by him might be alleged by the owner of any patent to constitute an infringement of any exclusive property or privilege granted thereby, he may bring an action in the Exchequer Court of Canada for a declaration that such process or article does not constitute an infringement of such exclusive property or privilege.

Security for costs.

(3) Except the Attorney General of Canada or of a province, the plaintiff in any action under this section shall, before proceeding therein, give security for the costs of the patentee in such sum as the Court may direct, but a defendant in any action for the infringement of a patent shall be entitled to obtain a declaration under this section without being required to furnish any security."

**4.** The following section is inserted in the said Act as section thirty-seven A:—

If invention already known or used.

"**37**A. No patent or claim in a patent shall be declared invalid or void on the ground that, before the invention therein defined was made by the inventor by whom the patent was applied for, it had already been known or used by some other inventor, unless it is established either that, before the date of the application for the patent such other inventor had disclosed or used the invention in such manner that it had become available to the public, or that, before the issue of the patent, such other inventor had made an application for a patent upon which conflict proceedings should have been directed."

**3.** Section 37 of the Patent Act is in the following terms:—

"**37** (1) Any person who desires to impeach any patent may obtain a sealed and certified copy of the patent and of the petition, affidavit, specification and drawings thereunto relating, and may have the same filed in the office of the prothonotary or clerk of the High Court Division of the Supreme Court of Ontario, or of the Superior Court of Quebec, or of the Supreme Court in Nova Scotia, New Brunswick, British Columbia, Prince Edward Island, or Alberta, respectively, or of the Court of King's Bench in Manitoba or Saskatchewan, or of the Territorial Court in the Yukon Territory according to the domicile elected by the patentee, as aforesaid, or in the office of the registrar of the Exchequer Court of Canada, and such courts respectively, shall adjudicate on the matter and decide as to costs.

(2.) If the domicile elected by the patentee is in that part of Canada formerly known as the district of Keewatin, the Court of King's Bench of Manitoba shall have jurisdiction until there is a superior court therein, after which such superior court shall have jurisdiction.

(3) The patent and documents aforesaid shall then be held as of records in such courts respectively, so that a writ of *scire facias*, under the seal of the court, grounded upon such record, may issue for the repeal of the patent, for cause as aforesaid, if upon proceedings had upon the writ in accordance with the meaning of this Act, the patent is adjudged to be void."

The procedure thus laid down is practically a dead letter, The rules of the Exchequer Court permit an action for the impeachment of a patent to be instituted by any person interested on his filing of a statement of claim and giving appropriate security. This procedure has in practice displaced that contemplated by the present section of the Act. Subs. 1 of the proposed substitute section of the Bill, taken with the first part of subs. 3, in effect gives it statutory recognition. Subs. 2 provides a facility of high importance, particularly to manufacturers. A manufacturing process may for its adequate development involve very large capital expenditures, but as the law now stands there is no way in which a manufacturer contemplating such an outlay can obtain a decision as to whether the process, or the article to be produced, as the case may be, will or will not be held to constitute an infringement of a patent which within certain limits may be a perfectly valid one, and therefore not subject to impeachment. This subsection accordingly permits a proceeding in which the scope of any patent may be determined in order that the manufacturer concerned may ascertain whether or not he can safely make his proposed investment. The second part of subs. 3 gives to defendants in infringement actions a right which the present law denies them, but which they should obviously be entitled to exercise. The point is of peculiar importance, having regard to the situation described in the note to the last preceding section of the bill.

**4.** As the law now stands a person to whom there has been granted a patent, which is valid so far as can be ascertained from any information available to any member of the public in any part of the world, is nevertheless subject to be avoided, perhaps many years after its issue, by evidence showing that before the time in which the invention described in the patent was made by the patentee, it had been made by some other person who had kept his knowledge secret. This is in direct contradiction to the basic principle of the legislation of any other country in the world. In every country except in Canada patent legislation is designed to secure the public advantage by obtaining the prompt disclosure of every scientific and mechanical advance in the arts in order that it may become a part of the stock of public knowledge. In consideration of such prompt disclosure each country gives a temporary monopoly to the inventor whose disclosure on file in a public office will permit the public generally to take advantage of the invention as soon as the monopoly expires. The present law in Canada is, however, such that on the one hand a premium is put on withholding information from the public by a person who may consider it to his advantage to refrain from exploiting an invention he has made, and on the other hand an inventor who has in good faith made the required disclosure is liable to be deprived of his monopoly rights by the production of information held under cover until it suits the convenience of its possessor to permit it to become public.

Third Session, Seventeenth Parliament, 22 George V, 1932

THE HOUSE OF COMMONS OF CANADA.

# BILL 5.

An Act respecting Unfair Competition in Trade and Commerce.

First reading, February 8, 1932.

THE SECRETARY OF STATE.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
41335—1
1932

Third Session, Seventeenth Parliament, 22 George V, 1932

THE HOUSE OF COMMONS OF CANADA

# BILL 5.

An Act respecting Unfair Competition in Trade and Commerce.

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Short title.

**1.** This Act may be cited as *The Unfair Competition Act, 1932.*

## Preliminary

Interpretation "Convention".

**2.** In this Act, unless the context otherwise requires:

*(a)* "Convention" means the Convention of the Union of Paris made on 20th March, 1883, as revised at Brussels on 14th December, 1900, at Washington on 2nd June, 1914, and at The Hague on 6th November, 1925, and any amendments to such Convention hereafter made and adhered to by His Majesty on behalf of the Dominion of Canada.

"Country of the Union".

*(b)* "Country of the Union" means any country which has acceded to the Union for the Protection of Industrial Property as the same is now constituted under the Convention hereinbefore defined.

"Design mark".

*(c)* "Design mark" means a trade mark consisting of an arbitrary and in itself meaningless mark or design, or of a representation of some object or objects, or of letters or numerals in series or otherwise, or of a combination of two or more of the foregoing elements, and depending for its distinctiveness upon its form and colour, or upon the form, arrangement or colour of its several parts, independently of any idea or sound capable of being suggested by the particular sequence of the letters or figures, if any, forming part thereof, or by their separation into groups, and includes any disguishing guise capable of constituting a trade mark.

## EXPLANATORY NOTES

### *General Note*

The *Trade Mark and Design Act* (R.S.C. c. 201) is substantially the same as when it was originally passed in 1869 (42 V. c. 63). Except in respect to the registration of union labels, the changes since made have been rather in points of detail than of substance. The competence of the Dominion Parliament to enact the statute has never been the subject of a judicial pronouncement, but writers have from time to time suggested that the question was a doubtful one. The right to legislate with regard to other forms of industrial property—patents and copyrights—is expressly conferred on Parliament by the British North American Act, Sec. 91. Trade marks are not mentioned in that section and it is arguable that the infringement of trade marks and other forms of unfair competition fall within the provincial legislative field as "Property and Civil Rights within the Province", except insofar as they can be dealt with by Parliament under its authority to legislate on the subject of "The Regulation of Trade and Commerce" or in pursuance of its power to give legislative effect to treaties under Sec. 132 of the British North America Act.

On September 1st, 1923, Canada acceded to the Convention whereby in 1883 there had been constituted an international "Union for the Protection of Industrial Property", and in 1925 its representatives took part in the conference at The Hague at which amendments to the Convention were adopted. Subsequently by Order in Council P.C. 648, dated April 19, 1928, Canada authorized the ratification on its behalf of The Hague Convention of 1925, which came into force on May 1, 1928.

In 1923 (c. 28) and again in 1928 (c. 10) the *Trade Mark and Design Act* was so amended as to give a limited effect to some of the provisions of Convention, but many other of its provisions still require to be implemented by legislative action in order to carry out the obligations which Canada assumed when it became a member of the Union. The present Bill is designed to do what Canada has undertaken to do in this regard and at the same time to remove some of the difficulties to which the existing legislation gives rise in the domestic sphere.

In order to avoid raising any constitutional question unnecessarily, the Bill does not purport to deal with the way in which rights of property in an ordinary trade mark arise or in which they can be transferred. These subjects are in general left to be governed by the common law and the proposed legislation is accordingly limited to matters expressly required by the Convention to be made the subject of legislative action or clearly within the competence of Parliament by virtue Section 132 of the B.N.A. Act 1867 and of its jurisdiction to legislate for the regulation of trade and commerce.

Sec. **2** *(a)*. This clause defines the Convention referred to in the general note above.

Sec. **2** *(b)*. All the Great Powers have acceded to the Union, ths total number of countries which have done so being thirty-eight.

Sec. **2** *(c)*. To permit of the accurate definition of registrable trade marks, it is necessary to divide them into two categories, "design marks," defined in this clause, and "word marks," defined in clause *(o)* of section **2**, *infra*. See particularly sections **27** and **28**, *infra* and the note to the former.

"Distinguishing guise".

*(d)* "Distinguishing guise" means a mode of shaping, moulding, wrapping or packing wares entering into trade or commerce which, by reason only of the sensory impression thereby given and independently of any element of utility or convenience it may have, is adapted to distinguish the wares so treated from other similar wares and is used by some person in association with his wares for the purpose of indicating to dealers in and or users of similar wares that the wares so treated have been manufactured or sold by him.

"Owner".

*(e)* "Owner" in relation to a trade mark, means the person who from time to time appears to have an exclusive right to use the mark in connection with his wares for the purpose of indicating to dealers in and/or users of such wares that they have been manufactured, sold, leased or hired by him, and in the case of a trade mark adopted for use for the purpose of indicating only that the wares in association with which it is used are of a defined standard or that they have been produced under defined working conditions, by a defined class of persons or in a defined territorial area, means the person, trade union, commercial association or administrative authority by which the said standard, working conditions, class of persons or area has been defined.

"Package".

*(f)* "Package" includes any container or holder ordinarily associated with wares at the time of the transfer of the property or possession of the wares in the course of trade or commerce.

"Person".

*(g)* "Person" includes any trade union, any commercial association, whether incorporated or not, provided its legal existence is recognized by the laws of the country or province in which its headquarters are situate, and the administrative authority of any country, state, province, municipality or other organized administrative area.

"Person interested".

*(h)* "Person interested" includes any person directly affected by any breach of any provision of this Act; any person who, by reason of the nature of the business carried on by him and the ordinary mode of carrying on such business, may reasonably apprehend that the goodwill of such business may be adversely affected by any entry in the register of trade marks, or by any act or omission or contemplated act or omission contrary to the provisions of this Act; and, in respect of any such act, omission or entry in the register relating to or affecting any right vested in any trade union or commercial association or in the administrative authority of any country, state, province, municipality or other organized administrative area, includes such trade union, such association and such administrative authority, and also any person author-

Sec. 2 *(d)*. This clause defines what is often described as the "get-up" of wares. This, when distinctive of a particular manufacturer or dealer, is recognized by the common law as entitled to protection from imitation.

Sec. 2 *(e)*. See the note to Sec. 2 *(m)*, *infra*.

Sec. 2 *(f)*. This clause is inserted for convenience. It is often impossible to apply a trade mark to the wares themselves and under the law as it stands they may be applied with equal effect to the containers.

Sec. 2 *(g)*. See Secs. 2 *(m)*, 12 and 34 and the notes thereto.

Sec. 2 *(h)*. The opening phrase of this definition covers persons such as those entitled to the protection given by Sec. 14, *infra*, the second covers competitors who may be affected by conduct of the kind envisaged by the legislation and the third the special classes of persons who have a commercial interest other than as competitors, as to which see the sections referred to in the next preceding note. The concluding phrase is inserted for greater certainty; most of the persons covered by it would probably also come within the second phrase.

ized from time to time by the union, association or administrative authority to make use of the mark.

"Registrar". *(i)* "Registrar" shall mean the Commissioner of Patents or other person duly appointed to act temporarily as Registrar under this Act.

"Register". *(j)* "Register" means the register of trade marks maintained pursuant to this Act.

"Similar". *(k)* "Similar," in relation to trade marks, trade names or distinguishing guises, describes marks, names or guises so resembling each other or so clearly suggesting the idea conveyed by each other that the contemporaneous use of both in the same area in association with wares of the same kind would be likely to cause uninformed dealers in and/or users of such wares to infer that the same person assumed responsibility for their character or quality, for the conditions under which or the class of persons by whom they were produced, or for their place of origin.

"Similar". *(l)* "Similar," in relation to wares, describes categories of wares which, by reason of their common characteristics or of the correspondence of the classes of persons by whom they are ordinarily dealt in or used, or of the manner or circumstances of their use, would, if in the same area they contemporaneously bore the trade mark or presented the distinguishing guise in question, be likely to be so associated with each other by uninformed dealers in and/or users of them as to cause such dealers and/or users to infer that the same person assumed responsibility for their character or quality, for the conditions under which or the class of persons by whom they were produced, or for their place of origin.

"Trade mark". *(m)* "Trade mark" means a symbol which is adapted to distinguish particular wares falling within a general category from other wares falling within the same category, and is used by any person in association with wares entering into trade or commerce for the purpose of indicating to dealers in, and/or users of such wares that they have been manufactured, sold, leased or hired by him, or that they are of a defined standard or have been produced under defined working conditions, by a defined class of persons, or in a defined territorial area.

"Trade name". *(n)* "Trade name" means the name under which any business is carried on, whether the same is the name of a corporation, a partnership or an individual.

"Word mark". *(o)* "Word mark" means a trade mark consisting only of a series of letters or numerals and depending for its distinctiveness upon the idea or sound suggested by the sequence of the letters or numerals and their separation into groups, independently of the form of the letters or numerals severally or as a series.

Sec. 2 *(i)*. This is in accordance with the present practice.

Sec. 2 *(j)*. See sec. 22 and the note thereto.

Sec. 2 *(k)*. The word "similar" necessarily recurs again and again in the operative sections of the Bill, sometimes as qualifying marks and sometimes as qualifying wares. It is convenient to have definite definitions of what is meant by the word in each collocation. These are contained in this and the next following clause.

Sec. 2 *(l)*. See the last preceding note.

Sec. 2 *(m)*. This definition covers not only ordinary trade marks and union labels such as are now protected by the *Trade Mark and Design Act* but also certain other kinds of marks which present some of the characteristics of marks of each of these kinds and of which some are recognized by the Convention as equally entitled to protection. See Secs. 12, 27 *(1c)*, 30 *(c)* and 34, *infra*, and the notes thereto.

Sec. 2 *(n)*. This is the sense in which the Convention uses the expression "le nom commercial" (Art. 8: see note to Sec. 8, *infra*). "Trade name" is sometimes used in English to describe a trade mark in the form of a word, used by the owner to describe some particular article of his manufacture; it is not so used in the Bill.

Sec. 2 *(o)*. See note to Sec. 2 *(c)*, *supra* and Secs. 27 and 28, *infra*.

## Unfair Competition

Deliberate adoption of trade mark known in Canada forbidden.

**3.** No person shall knowingly adopt for use in connection with any wares any trade mark or any distinguishing guise which:—

*(a)* is already in use in Canada by any other person as a trade mark or distinguishing guise for similar wares.

*(b)* is already in use by any other person in any country of the Union other than Canada as a trade mark or distinguishing guise for similar wares, and is known in Canada in association with such wares by reason either of the distribution of the wares in Canada or of their advertisement therein in any printed publication circulated in the ordinary course among potential dealers in and/or users of similar wares in Canada, or

*(c)* is similar to any trade mark or distinguishing guise in use, or in use and known as aforesaid.

Adoption in a province of trade mark known therein forbidden.

**4.** No person shall be entitled to continue to use in Canada in connection with any wares distributed therein any trade mark or any distinguishing guise which at the time of his adoption thereof was in use, or in use and known, in Canada, as provided in the last preceding section, or is similar to any such trade mark or guise.

Distribution or advertisement of wrongly trademarked wares forbidden.

**5.** No person shall sell, distribute or advertise any wares in association with any trade mark or distinguishing guise which has been adopted by any other person for use in association with similar wares contrary to the provisions of this Act.

What constitutes "use" of trade mark

**6.** For the purposes of this Act a trade mark shall be deemed to have been or to be used in association with wares if, by its being marked on the wares themselves or on the packages in which they are distributed, or by its being in any other manner so associated with the wares at the time of the transfer of the property therein, or of the possession thereof, in the ordinary course of trade and commerce, notice of the association is then given to the persons to whom the property or possession is transferred.

Knowing adoption of trade name known in Canada forbidden.

**7.** No person shall knowingly adopt for use as the name under which he carries on business, or adopt for use in connection with any business, any trade name which at the time of his adoption thereof is the name, or is similar to the name, in use by any other person as the trade name of a business of the same general character carried on in Canada, or of such a business carried on elsewhere if its name is known in Canada by reason of the distribution

Sec. **3.** There is no express provision of the Convention requiring the enactment of a section in this form but it is impliedly required having regard to Art. 10 *bis*, quoted in the note to Sec. **11** and the Articles relating to registration referred to in the notes to other sections. The important features of this section are (a) that the prohibition applies to Canada as a whole but only to cases in which the mark already in use is "knowingly" adopted and (b) that it is sufficient that wares should have been advertised in Canada in association with the mark without their having actually been distributed here. On the second point the law as declared in the Bill corresponds with the existing decisions by courts of first instance. On the first the rule as it at present stands is that if two persons, *e.g.*, one in British Columbia and one in Nova Scotia, both make use of the same mark without registration, that one of them who happened to have been the first to adopt it is entitled to prevent the other from continuing to use it notwithstanding that its use by both may have continued for a very long period (e.g. thirty-five years in one case) without either having any notice of the other's use. This rule might work serious and unnecessary hardship. The *Trade Mark and Design Act* does not deal expressly with rights of the general character of those as are covered by this and the following sections. It undertakes to deprive the owners of unregistered marks of the right to sue for their infringement (Sec. **20**), a course which it seems inadvisable to follow on more than one ground. The effect of registration under the provisions of the Bill is dealt with in Sec. **17**, *infra*.

Sec. **4.** Occasional cases of hardship may doubtless occur by vesting the exclusive right in the first user, however innocent the later user may be.

Sec. **5.** This section covers the cases of distributors of wares to which a mark has been improperly applied by a manufacturer or wholesaler. The rule as stated is an obviously necessary one to ensure the effectiveness of the protection intended to be given. See Sec. **15** as to a retailer's right over against his vendor.

Sec. **6.** This section gives greater certainty to the law as now contained in Sec. **5** of the *Trade Mark and Design Act*, which requires the mark to be "applied" to the wares, but does not specify the occasion on which it must appear to have been so. This is probably implied, however,

Sec. **7.** This section is intended to give effect to the provisions of Art. 8 of the Convention. That article provides that:

> "A trade name" shall be protected in all the countries of the Union without being required to be filed or registered and whether or not it forms part of a trade mark".

The principles laid down by this and the next section follow generally those adopted in the case of trade marks (Secs. **3** and **4**).

therein of wares manufactured or handled by such person under such trade name, or of the advertisement of such wares in Canada in association with such trade name, in any printed publication circulated in the ordinary course among potential dealers in and/or users of similar wares in Canada.

Adoption of trade name known therein forbidden.

**8.** No person shall be entitled to continue to use in Canada any trade name which, at the time of his adoption thereof, was, or was similar to, the trade name of a business of the same general character then being carried on in Canada, or of a business carried on elsewhere than in Canada if its name was then known in Canada for one of the reasons aforesaid.

Certain rights of individuals saved.

**9.** Nothing in the last two preceding sections shall affect the right of any individual or group of individuals to adopt for use and use his or their own personal names or surnames as a trade name for a business commenced and carried on for his or their own direct benefit in good faith and without any intention to deceive.

Burden of proof.

**10.** (1) The burden of proving that any trade mark, trade name or distinguishing guise, the use of which, if knowingly adopted, would be forbidden by this Act, was in fact adopted in ignorance of the prior use by some other person of the same or a similar trade mark, trade name or distinguishing guise, shall be upon the person who seeks to continue to use the trade mark, trade name or distinguishing guise so adopted, or to sell, distribute, or advertise the wares distinguished thereby, and he shall be required to establish that, in adopting it, the person by whom it was adopted acted in good faith and believed he was entitled to adopt and use it.

(2) The provisions of the next preceding subsection shall not apply if it appears that the person upon whom the burden of proof would otherwise fall, or some other person upon whose rights he is entitled to rely, has, during the five years immediately before the commencement of the proceedings, continuously used the trade mark, trade name or distinguisbing guise in question in the ordinary course of business and in substantially the manner complained of.

Acts of unfair competition forbidden.

**11.** No person shall, in the course of his business:—

*(a)* make any false statement tending to discredit the wares of a competitor;

*(b)* direct public attention to his wares in such a way that, at the time he commenced so to direct attention to them, it might be reasonably apprehended that his

Sec. 8. See the notes to the last section and to Sec. 4.

Sec. 9. This appears to be a necessary qualification of the provisions of the next two preceding sections.

Sec. 10. This section is required in order that proper protection should be afforded. The limitation of time in subsec. 2 is inserted in order to prevent the provisions of subsec. 1 from working any hardship.

Sec. 11. This section is intended to give effect to Art. 10 *bis* of the Convention. That article provides that:

"The contracting countries are bound to afford to persons entitled to the benefit of the Union an effective protection against unfair competition.

"Every act of competition contrary to honest practice in industrial or commercial matters constitutes an act of unfair competition.

"The following acts shall be prohibited:

1. All manner of acts of such a nature as to create confusion by any means with the goods of a competitor.

2. False allegations in the course of trade of such a nature as to discredit a competitor's products".

The section as it appears in the Bill follows the Convention closely. In principle it probably goes little if at all farther than the common law, but it gives definition and precision to a right which should be capable of ready enforcement.

course of conduct was likely to create confusion in Canada between his wares and those of a competitor;

*(c)* adopt any other business practice contrary to honest industrial and commercial usage.

SPECIAL PROVISIONS.

Rights of owners of association and territorial trade marks defined.

**12.** (1) A trade mark the use of which is intended to indicate only that the wares in association with which it is used are of a defined standard, or have been produced under defined working conditions, by a defined class of persons or in a defined area, may be adopted for use only by a person who is not engaged in the manufacture, sale, leasing or hiring of such wares as those in association with which the mark is used.

(2) The owner of such a trade mark shall, as a condition of the continuance of his exclusive right to control the use thereof, permit its use on all wares of the defined standard or produced under the defined working conditions, by the defined classes of persons or in the defined area, unless he in good faith and on reasonable grounds considers any manufacturer or producer of any such wares to be a person who cannot be relied upon to limit his use of the mark to wares of the kind to which it should be applied.

(3) Subject as aforesaid, the owner of such a trade mark shall be entitled to limit the use thereof to such persons as are entitled to use it.

Use as trade marks of certain commercial symbols forbidden.

**13.** If any symbol has by ordinary and *bona fide* commercial usage become recognized in Canada by any class of persons as designating the kind, quality, quantity, destination, value, place of origin or date of production of any wares, no person shall adopt it for use as a trade mark for similar wares or use it in such a way as to be likely to mislead.

Use as trade marks of certain emblems, etc., forbidden.

**14.** (1) No person shall be entitled to adopt for use in connection with his business, as a trade mark or otherwise, any symbol consisting of or including in whole or part, or so nearly resembling as to be likely to be mistaken for:—

*(a)* the Royal Arms, Crest or Standard,

*(b)* the arms or crest of any member of the Royal Family,

*(c)* the national flag in any of its forms,

*(d)* the standard, arms or crest of His Excellency the Governor-General,

*(e)* the arms or crest adopted and used at any time by Canada or by any province or municipal corporation in Canada,

*(f)* any national flag, arms, crest or emblem commonly used as such by any foreign state,

Sec. **12.** Art. 7 *bis* of the Convention provides that:

"The contracting countries undertake to admit to deposit and to protect marks belonging to associations the existence of which is not contrary to the law of the country of origin, even if such associations do not possess an industrial or commercial establishment".

"Nevertheless each country shall be the sole judge of the particular conditions under which an association may be allowed to obtain protection for its marks".

Sec. **53** of the *Trade Mark and Design Act*, added in 1923, follows the words of the above quoted Article so closely as to be inoperative. The obvious purpose of the Article is to secure the protection of non-trading associations which have adopted trade marks for some such purpose as those referred to in subsection 1. But See. 5 of the *Trade Mark and Design Act* defines a trade mark in such a way as to exclude trade marks adopted for any such purposes. As it stands therefore Sec. 53 is of no advantage to foreign non-trading associations and does not even purport to give rights to any applicant whose headquarters are in Canada.

Non-trading associations which desire to control a mark of which they can permit the use only by their members are increasingly resorted to by producers (e.g. Jersey Milk Producers Association) and the practice of having the wares of a number of manufacturers certified by an independent scientific or semi-scientific body is also gaining ground (e.g. Mazda lamps). Marks adopted by associations are also used to denote the place of origin of the wares which bear them and there are areas in which the law requires or contemplates that certain wares produced within them shall bear a specified mark indicating their place of origin (e.g. Germany in the case of any wares, Denmark in the case of butter, and Italy in the case of fruit and vegetables). The Convention by Art. 7 *bis* requires only that provision should be made for the protection of association marks, but there is no reason why all marks of the same general character should not be dealt with in the same way. The rules applicable to trade marks of this character are equally applicable to union labels for which provisions analogous to those of this section of the Bill, but of a criminal instead of a civil character, already form part of the *Trade Mark and Design Act* (see particularly Secs. 5 (2) and 22.

Sec. **13.** This section gives effect to certain of the provisions of Arts. 6 and 6 *ter* of the Convention which are designed to prevent the registration in any country of marks of the kind described. A step in this direction was made by Sec. **11** *(f)* of the *Trade Mark and Design Act*, added in 1923. See the quotation from Art. 6 set out in the note to Sec. **28.** What is forbidden by Art. 6 *ter* is the use of "official signs and hall marks indicating control or warranty", a category which appears sufficiently covered by the expressions used in the section under discussion.

Sec. **14.** This section in part gives effect to certain of the provisions of Art. 6 *ter* of the Convention which are designed to prevent the registration as trade marks in any country of marks of the kinds described in clauses *(a)*, *(c)*, *(e)* in part, *(f)* and *(h)*. Sec. **11** *(g)* of the *Trade Mark and Design Act* added in 1927 covers most of the symbols described in clause *(f)*, but is silent as to any of the other classes of symbols to which the section of the Bill refers. Clauses *(b)* and *(d)* relate to marks in the same general category, clause *(g)* expresses the rule already in force under Imp. Stat. 1-2 Geo. V.c., 20, clause *(j)* carries a little farther the provisions of Sec. **12,** and clauses *(i)* and *(k)* are based on useful suggestions obtained from legislation proposed in the United States.

*(g)* the emblem of the Red Cross Society, consisting of a red cross on a white ground or the expression "Red Cross" or "Geneva Cross,"

*(h)* any national, territorial or civic flag, arms, crest, or emblem of the prohibition of which as a commercial device notice has been received and publicly given by the Registrar pursuant to the provisions of the Convention more than two months before the adoption of the symbol,

*(i)* the emblem of any fraternal society, the legal existence of which is recognized under any law in force in Canada,

*(j)* any symbol adopted and used by any public authority in Canada as an official mark on similar wares,

*(k)* the portrait or signature of any person who is living or has died within thirty years.

Except by permission.

(2) Nothing in this section shall prevent the use as a trade mark, or otherwise in connection with a business, of any such symbol or aforesaid with the consent and approval of His Majesty or such other person as may be deemed to have been intended to be protected by the provisions hereof.

Rights of purchasers of trademarked articles.

**15.** Unless otherwise antecedently and expressly stated in writing, every one who in the course of trade or commerce transfers to another the property in or the possession of any wares bearing, or in packages bearing, any trade mark or trade name, or presenting any distinguishing guise, shall be deemed to warrant, to the person to whom the property or possession is transferred, that such trade mark, trade name or distinguishing guise has been and may be lawfully used in connection with such wares.

## Legal Proceedings

Special proceedings to restrain proposed distribution of falsely trademarked wares.

**16.** (1) If it is made to appear to the Exchequer Court of Canada or to any superior court that any trade mark or trade name, or any indication of a place of origin, has been fraudulently or unlawfully applied to any wares which have been imported into Canada are about to be distributed in Canada or in any province, the court may make an order for the interim custody of such wares pending a final determination of the legality of their importation or distribution.

(2) Such order may be made in an action or proceeding by any person interested against the person appearing to be the owner or consignee of the wares, or on an *ex parte* petition by any such person if it appears that the owner or consignee of the wares is not certainly known, or is not within the jurisdiction of the court, and that the wares are in the possession of His Majesty or any public officer or other person who does not assert any interest in them other than a lien for charges thereon.

Sec. **15.** This section is to the same effect as Sec. 23 of the *Trade Mark and Design Act*, except that it does not expressly mention a "trade description" and extends to a distinguishing guise.

Sec. **16.** This section is designed to give effect, in civil cases, so far as, under our system of law, it seems practically possible to give effect to the principle expressed in Art. 9 of the Convention, which is as follows:—

"All goods illegally bearing a trade mark or trade name shall be seized on importation into those countries of the Union where this mark or name has a right to legal protection.

"Seizure shall be effected equally in the country where the mark or name was illegally applied, or in the country into which the goods bearing it may have been imported.

"The seizure shall take place at the request either of the public prosecutor or of any other competent authority or of any interested party whether an individual or a body of persons corporate or unincorporate in conformity with the domestic law of each country.

"The authorities shall not be bound to effect the seizure of goods in transit.

"If the laws of a country do not admit of seizure on importation, such seizure shall be replaced by prohibition of importation or seizure within such country.

"If the laws of any country do not admit either of seizure upon importation, or of prohibition of importation, or of seizure within the country, and pending the requisite modification of these laws, these measures shall be replaced by the remedies available in such cases to nationals".

The importation of falsely marked wares is also dealt with by Sec. 493 of the Criminal Code.

(3) Before any such order is made the plaintiff or petitioner shall be required to furnish security in such amount as the court may fix to answer any damages which may, by reason of the order, be sustained by the owner or consignee of the wares and for any sums which may become chargeable against the wares while they remain in custody under the order.

(4) It shall be a condition of the continued operation of any order made on an *ex parte* petition that the petitioner or some person in the same interest shall, within a time limited by the order, or by a subsequent order amending the same, obtain a similar order or an order having a like effect in an action against the owner or consignee of the wares.

(5) If, by the judgment in any such action finally determining the legality of the importation or distribution of the wares, their importation or distribution is forbidden, either absolutely or on condition, any lien for charges against them which arose prior to the execution of an order made under this section shall have effect only so far as may be consistent with the due execution of the judgment.

Orders for destruction of labels and dies for unlawful trade marks.

**17.** If it is made to appear to the Exchequer Court or to a superior court that any wares or the packages containing the same have been marked with any trade mark contrary to the provisions of this Act, the court may, in addition to any such order as the circumstances may require by way of injunction or for the recovery of damages or with respect to the disposition of the wares and/or packages improperly marked, order the delivery up for destruction of all infringing labels and/or dies used for the purpose of the marking of the said wares or packages.

Effect of certificates of registration of a trade mark.

**18.** (1) In any action for the infringement of any trade mark, the production of a certified copy of the record of the registration of such trade mark made pursuant to the provisions of this Act shall be *prima facie* evidence of the facts set out in such record and that the person named therein is the owner of such mark for the purposes and within the area therein specified.

(2) Such a certified copy shall also, subject only to proof of clerical error therein, be conclusive evidence that, at the date of the registration, the trade mark therein mentioned was in use in Canada, or in the province or provinces specified in the record, for the purpose therein set out in such manner that no person could thereafter adopt the same or a similar trade mark for similar goods in ignorance of the use of the registered mark by the owner thereof for the said purpose in Canada, or one or more provinces as the case may be.

Sec. **17.** This section is designed to extend the relief ordinarily obtainable in civil actions in such a way as to ensure that the tortious Act cannot be readily repeated A provision to the same effect is included in the *Trade Mark and Design Act* in respect of union labels only (Sec. **22**) where the remedy is criminal instead of civil.

Sec. **18.** Certain of the expressions used in the *Trade Mark and Design Act* indicate that it was intended by that Act not merely to register existing rights, but to create new rights. It purports to give to the registered owner of a trade mark an exclusive right to use it, for any purposs and against the world. The Courts, however, have generally treated registration as a mere record of rights already acquired and have refused to support, or have set aside registrations by the later of two coacurrent users, without reference to whether or not there has ever been concurrent use by both in any one province. On the other hand the common law owner of a mark who has caused it to be duly registered has been refused relief against the user of a similar, infringing mark when the latter has succeeded in effecting its registration. Moreover, a mark once properly registered cannot be expunged even if its subsequent use has been such as to deprive it of distinctiveness. In the result the effect of registration has been uncertain and it has been difficult to apply any clear general principle. The effect of this section is to minimize these difficulties. Registration under the Bill will *(a)* prevent any one from acquiring after registration any rights adverse to those of the owner of the registered mark, and *(b)* relieve him in most cases from the obligation to prove his right otherwise than by the productioa of the certificate of registration.

Defences in actions in which registration certificates relied upon.

**19.** Notwithstanding the production as aforesaid of a certified copy of the record of the registration of a trade mark, the person appearing from such record to be the owner of the mark shall not be entitled, without other evidence of his rights than is afforded by the contents of the record, to any remedy or relief by reason of any alleged infringement of such trade mark if it is established to the satisfaction of the court either

*(a)* that the mark was not registrable by the party who appears from the record of the registration to be the owner thereof or by his predecessor in title, or

*(b)* that at any time after the registration was made, the owner of the mark failed to make such a continuous use thereof in the ordinary course of his business as to indicate a constant intention to maintain his rights thereto, or

*(c)* that, at any time after the registration was made, the owner of the mark has used it as the name of an article or as a grade or style mark rather than as a trade mark, or

*(d)* that for any other reason the mark has ceased substantially to serve the purposes defined in the application for its registration.

Jurisdiction of Exchequer Court.

**20.** The Exchequer Court of Canada shall have concurrent jurisdiction to entertain any action or proceeding for the enforcement of any of the rights conferred or defined by this Act.

Powers of Court in case of conflicting claims to use a trade mark.

**21.** If in any action or proceeding in the Exchequer Court of Canada it appears that two or more persons have adopted the same or a similar trade name, or have adopted the same or a similar trade mark or distinguishing guise for use in connection with similar wares and that neither would be entitled to a judgment forbidding the other from continuing to use his trade name, trade mark or distinguishing guise in one or more provinces, the Court shall, so far as, having regard to the evidence adduced, it is possible to do so, specify the provinces within which each of the persons concerned may so continue and shall give judgment between the parties accordingly, or may, if the parties agree or the circumstances permit, specify the conditions, by way of difference or otherwise, under which each of the parties may continue to use his trade name, trade mark or distinguishing guise throughout Canada.

## Register of Trade Marks

Register of Trade Marks.

**22.** (1) There shall be kept under the supervision of the Registrar a register of trade marks in which, subject as hereinafter provided, any person may cause to be recorded any trade mark he has adopted, and notifications of any

Sec. **19.** This section is designed to permit a defendant in an action for infringement in which the plaintiff relies upon a certificate of registration to set up, by way of defence, not only that the rights inferable from the certificate were not acquired, but also that even if properly acquired they have subsequently been lost by the abandonment of the use of the mark as a trade mark.

Sec. **20.** This section gives to the Exchequer Court jurisdiction to entertain unfair competition cases generally. To effect this was perhaps the intention of Parliament in enacting 1928, c. 23 s. 3 *(c)*, but this provision is not regarded as having had achieved this result, and serious inconvenience is sometimes caused by a plaintiff's being forced to maintain his rights by concurrent proceedings in the Exchequer Court to rectify entries in the register of trade marks relating to his competitor's mark, and in a provincial court to recover damages for the infringement of his own. It is moreover not satisfactory that, when a defendant has been guilty of like acts of unfair competition in several provinces, there should be no court in which all such acts can be simultaneously dealt with.

Sec. **21.** This section confers upon the Exchequer Court an obviously necessary jurisdiction. In the United States territorial limitations narrower than the areas of states have been on occasion laid down by the federal courts, but the provisions of the section go as far in this direction as is consistent with the general principles upon which the Bill is based.

Sec. **22.** This section is necessary in fulfilment of the obligations imposed by Art. 12 of the Convention by which

"Each of the contracting countries undertakes to establish a special government department for industrial property and central office for communication to the public of patents, utility models, industrial designs or models, and trade marks.

"This department shall publish an official periodical journal".

The section makes no substantial change in the laws as it stands under the *Trade Mark and Design Act* (Sec. 8), but contains more specific directions than that Act as to the contents of the register.

assignments, transmissions, disclaimers and judgments relating to such trade mark.

(2) The register shall specify the date upon which each of the trade marks recorded therein was registered, and shall contain an abstract of the statements contained in the applications for the registration of such marks respectively, and of any documents deposited with such applications, or filed with the Registrar subsequent to the making of the applications and affecting the right to such trade marks respectively.

Present Register of Trade Marks continued.

**23.** (1) The register now existing under the *Trade Mark and Design Act* shall form part of the register under this Act, and, subject as hereinafter provided, all entries therein shall hereafter be governed by the provisions of this Act, but shall not, if properly made under the law in force at the time they were made, be subject to be expunged or amended only because they might not properly have been made hereunder.

(2) If the owner of any specific trade mark on the register at the date of the coming into force of this Act furnishes to the Registrar the information which would have been required for the registration of the mark hereunder, no renewal of the existing registration shall be necessary, but the same shall thereafter remain in force indefinitely without renewal as if it had been registered under this Act.

(3) If the owner of any such trade mark fails to furnish the information required as aforesaid before the time at which the registration of such mark would have lapsed under the provisions of the *Trade Mark and Design Act*, he may renew the same as if the said Act had remained in force, but, notwithstanding such renewal, the said registration shall lapse at the expiration of one year from the renewal thereof unless the information required as aforesaid is sooner furnished.

(4) The Registrar may at any time, and shall at the request of any applicant for the registration of a trade mark under this Act, by notice in writing require the owner of any general trade mark or union label on the register at the date of the coming into force of this Act to furnish to him, within six months from the date of the notice, the information which would have been required on an application for the registration of such trade mark under this Act, except information as to the wares in connection with which the mark has been used.

(5) If such information is not furnished pursuant to such notice, the Registrar shall by a further notice, fix a reasonable time within which, if the information is not furnished, the record of the registration shall be liable to be expunged, and it may be expunged accordingly by the Registrar if no objection is made by the owner of the mark, or by the Exchequer Court of Canada if he enters an objection.

Sec. **23.** The object ol this section is to enable the existing register to be brought into line with that which will come into existence under the Bill. Obviously, existing registrations should, so far as is equitable, be governed by the same rules ns registrations hereafter made, but no immediate action on the part ol the owners of marks already registered should be required. Registrations of specific marks will expire from time to time; they endure only for twenty-five years under the *Trade Mark and Design Act* (Sec. **17**), and can conveniently be dealt with as they lall in. Registrations ol general trade marks and union labels however, are of indefinite duration, and under the present Act there is no procedure available whereby it is possible to ascertain whether or not a such mark is in use or to expunge it lrom the register if it is not. A system adapted to the conditions in Canada sixty years ago may now be quite unsatislactory, and it is important that the comparatively limited stock of trade marks (especially word marks) should not be lurther limited by the presence on the register of marks of which no use is being made. Courts of first instance have held that, notwithstanding that the present Act purports to give the owner of a general mark an exclusive right to its use against all the world and for all purposes, he is in fact entitled to assert such a right only with respect to wares of the kind in which he is actually interested. Apart from duration therelore, the rules now governing general and specific trade marks are almost, if not altogether identical. Subsec. 4 requires the owner ol a general trade mark or union label to indicate only the kinds of wares in which he is commercially concerned (Sec. **30**, *infra*) leaving him therefore with the same rights as he has under the present law. At the same time the necessity for the renewal even of specific marks is abolished. Subsec. 6 is no more than a convenient statement ol the principles which will require to be applied hereafter by the Registrar in dealing fresh registrations. The rules take away from owners ol specific trade mark registrations no rights to which they are now entitled, and they should have the effect of ensuring a reasonable and easily understood office practice.

(6) Marks registered before the coming into force of this Act shall be treated as word marks or as design marks according to the following rules:—

*(a)* Any mark consisting of words and/or figures only without any indication of a special form or appearance shall be deemed to be a word mark.

*(b)* Any other mark consisting of words and/or figures only shall be deemed to be a word mark if at the date of its registration the words and/or figures would have been registrable independently of any defined special form or appearance and shall also be deemed to be a design mark for reading matter presenting the special form or appearance defined.

*(c)* Any mark including words and/or figures in combination with other features shall be deemed to be a design mark having the features described in the application therefor but without any meaning being attributed to the words or figures, which shall, however, also be deemed to constitute a word mark if and so far as they would at the date of registration have been registrable independently of any defined form or appearance and without being combined with any other feature.

*(d)* Any other mark shall be deemed to be a design mark having the features described in the application therefor.

No trust to be registered.

**24.** There shall not be entered in the register any notice of any trust expressed, implied or constructive, nor shall any such notice be receivable by the Registrar.

Register to be open to inspection.

**25.** The register and the documents upon which the entries therein are based shall be open to inspection by the public during business hours and a copy of any entry in the register or any such document, certified by the Registrar under his official seal, shall be furnished by him upon request and upon payment of the fee prescribed therefor.

## Registrable Trade Marks

What word marks are registrable.

**26.** Subject as otherwise provided in this Act, a word mark shall be registrable if it:

*(a)* does not contain more than twenty letters and/or numerals divided into not more than three groups,

*(b)* is not the name of a person, firm or corporation,

*(c)* is not, to an English or French speaking person, clearly descriptive or misdescriptive of the character or quality of the wares in connection with which it is proposed to be used, or of the conditions of, or the persons employed in, their production, or of their place of origin,

Sec. **24.** This section follows the corresponding section of the British statute, and is inserted as a matter of precaution.

Sec. **25.** This section is to the same effect as Sec. **44** of the *Trade Mark and Design Act*.

Sec. **26.** The distinction made in this and the following section is new. It is dictated by the necessity for an adequate and general definition of what marks are and what are not registrable from the point of view of form. The *Trade Mark and Design Act* (Sec. **11**) forbids the registration of marks which are calculated to deceive, are scandalous or immoral or are held to be in conflict with marks already on the register, although there is no express rule applicable to determine whether or not conflict exists. The other grounds upon which an application for registration may be refused are broadly and very vaguely included in the Registrar's power to refuse registration "if the so-called trade mark does not contain the essentials necessary to constitute a trade mark, properly speaking". Thus exactly at the point at which the law governing registration should be certain, the Act renounces the definiteness elsewhere boldly and sometimes unwisely exhibited, abandoning applicants to the discretion of an official or, on appeal, of a court. The English legislation is more specific and is at least to some extent adopted at present as a guide in Canada. It deals, however, rather with particular cases than with general rules and is for that

*(d)* would not if sounded be so descriptive or misdescriptive to an English or French speaking person,

*(e)* is not the name in any language of any of the wares in connection with which it is to be used,

*(f)* is not similar to, or to a possible translation into English or French of, some other word mark already registered for use in connection with similar wares, and

*(g)* is not such as to suggest the name in French or English of some feature of a design mark already registered for use in connection with similar wares which is so characteristic of the design mark that its name would not be unlikely to be used to define or describe the wares in connection with which the design mark is used.

What design marks are registrable.

**27.** Subject as hereinafter provided, any design mark may be registered if it:

*(a)* is not identical with or similar to any design mark already registered for use in connection with similar goods,

*(b)* is not such as to be likely to mislead dealers in and/or users of the wares in connection with which it is proposed to be used as to the character or quality of such wares or as to the conditions of or the persons employed in their production or as to their place of origin,

*(c)* is not such that, by reason of one of its principal characteristics being a representation of something which obviously suggests a word mark already registered for use in connection with similar goods, it is likely that such work mark, or some word resembling the same, would be used to define or describe the wares in connection with which the design mark is used.

Special provisions as to registration of certain marks.

**28.** Notwithstanding anything hereinbefore contained:—

Territorial marks.

*(a)* A word mark descriptive of the place of origin of wares, and not in conflict with any mark already registered for use in connection with similar wares, shall be registrable if the applicant is the administrative authority of a country, state, province or municipal area including or forming part of the area indicated by the word mark, or a commercial association having its headquarters in such area and recognized by the law in force therein.

Similar marks.

*(b)* Similar marks shall be registrable for similar wares if the applicant is the owner of all such marks, which shall be known as associated marks, but no group of associated marks shall include both a mark intended to indicate that the wares bearing it have been manu-

reason less useful than it might be. The distinction between word marks and design marks makes it a comparatively matter to state in general terms the conditions which require to be satisfied in order that a given mark should be registrable. The two kinds of marks are defined in Sec. **2** *(d)* and *(p) supra*. When a mark combines words with a design the words may, in an appropriate case, be registered as a word mark while the design as a whole is also registered as a design mark.

See. **27.** See note to Sec. **26.**

Sec. **28,** Clause *(a)* of subsec. 1 of this section which relieves certain geographical names from liability to objection on the ground of descriptiveness, operates only subject to the condition that it may, if it consists of the geographical name alone, be available for the use of others than those permitted by the owner to use it on goods which are entitled to bear it (Sec. **12,** *supra*). The associated marks, permitted by Clause *(b)* of subsec. 1 to be registered, can be assigned only as a group under Secs. **40** and **45** *infra*. Clause *(c)* provides for a class of cases for which no provision has heretofore been made, and may prove to afford a real commercial convenience. See Sec. **12** and the note thereto.

factured, sold, leased, or hired by the owner of the mark and a mark intended to indicate that the wares bearing it are of a defined standard or have been produced under defined working conditions, by a defined class of persons or in a defined territorial area.

Combination of association mark with private mark.

*(c)* With the consent of the owner of a mark intended to indicate that the wares in connection with which it is used are of a defined standard or have been produced under defined working conditions, by a defined class of persons or in a defined area, a mark similar to such mark may, if it exhibits an appropriate difference, be registered by some other person to indicate that the wares in connection with which it is used have been manufactured, sold, leased or hired by him as one of the persons entitled to use the first mentioned mark, but the registration thereof shall be expunged by the Registrar on the withdrawal at any time of the consent of the owner of the first mentioned mark and its former owner shall thereafter have no right to continue to use it.

Marks already registered abroad.

*(d)* A word or group of words, which the applicant or his predecessor in title, without being guilty of any act of unfair competition, has already caused to be duly and validly registered as a trade mark in the country of origin of such registration, shall, although otherwise unregistrable by reason of its or their form, sound or meaning, be registrable under this Act provided (i) that its use as a trade mark is not prohibited by this Act; (ii) that it is not calculated to deceive or otherwise contrary to some law or regulation directly concerned with the maintenance of public order; (iii) that it is not in conflict with any mark already registered for similar wares; (iv) that having regard to all the circumstances, including the length of time its use has continued, it cannot be said to be wholly without descriptive character; (v) that it does not include the personal or trade name of any person domiciled or carrying on business in Canada.

"Country of origin" defined.

(2) For the purpose of this section, the expression "country of origin" means the country of the Union other than Canada in which the applicant for such registration had at the date of the application a real and substantial industrial or commercial establishment, or if he had no real and substantial commercial or industrial establishment in any country of the Union means the country of the Union in which he was then domiciled, or if at the said date he neither had a real and substantial commercial or industrial establishjment in any country of the Union nor was domiciled in any such country, means the country, if any, of the Union of which he was then a national.

Clause *(d)* and subsec. 2 require fuller comment. They are designed to carry out one of the most important Articles of the Convention (Art. 6) which, so far as material, is as follows:—

"Every trade mark duly registered in the country of origin shall be admitted for deposit and protected in its original form in the other countries of the Union.

"Nevertheless registration of the following may be refused or cancelled:—

1. Marks which are of such a nature as to infringe rights acquired by third parties in the country where protection is claimed.
2. Marks which have no distinctive character or which consist exclusively of indications which serve in trade to designate the kind, quality, quantity, destination, or place of origin or date of production of the goods, or which have become customary in the current language or in *bona fide* and recognized customs of the trade of the country where protection is claimed.

   In arriving at a decision as to the distinctive character of a mark, all the circumstances of the case must be taken into account including the length of time during which the mark has been in use.
3. Marks which are contrary to morality or public order.

   It is understood that a mark cannot be considered as contrary to public order for the sole reason that it does not conform to some stipulation of the laws concerning marks, except where such stipulation itself related to public order.

Shall be considered as the country of origin:—

The country of the Union where the depositor has a real and substantial commercial establishment; if he has no such establishment, the country of the Union where he is domiciled and if he is not domiciled in the Union, the country of his nationality, in case he is a national of one of the countries of the Union.

Certain of the exceptions mentioned in the clause numbered 2 in the second paragraph are covered by Sec. 13 of the Bill and come under exception *(a)* in subsec. 2 *(c)*. Descriptiveness generally is dealt with by Sec. 2 *(m)*. The other cases are taken care of by the section under consideration, deceptiveness being regarded as directly contrary to public order.

Power of Court to permit registration of certain marks.

**29.** (1) Notwithstanding that a trade mark is not registrable under the foregoing provisions hereof it may be registered if, in any action or proceeding in the Exchequer Court of Canada or in a superior court involving the use of the same or a similar mark, the court by its judgment declares that it has been proved to its satisfaction that the mark has been so used within its jurisdiction by one of the parties as to have become generally recognized by dealers in and/or users of the class of wares in association with which it has been used, as indicating that such party assumes responsibility for their character or quality, for the conditions under which or the class of person by whom they have been produced or for their place of origin.

(2) Any such declaration shall define the class of wares with respect to which proof has been adduced as aforesaid and, if the action or proceeding is in the Exchequer Court of Canada, shall specify whether, having regard to the evidence adduced, the registration should extend to the whole of Canada or should be limited to one or more provinces.

(3) No declaration under this section shall authorize the registration pursuant thereto of any mark identical with or similar to a mark already registered for use in association with similar wares by any person who was not a party to the action or proceeding in which the declaration was made.

APPLICATION FOR REGISTRATION

Contents of application for registration of any mark.

**30.** (1) Any person who desires to register a trade mark under this Act otherwise than pursuant to a judgment, order or a declaration of the Exchequer Court of Canada or a Superior Court, shall make an application in writing to the Registrar in duplicate containing:

*(a)* a statement of the date from which the use of the mark for the purposes defined either by the applicant or named predecessors in title has been of substantial extent and of the countries in which the mark has been principally used since the said date.

*(b)* a statement that the applicant considers that, having regard to the provisions of this Act, he was and is entitled to adopt and use the mark in Canada or in specified provinces in connection with the wares described, and

*(c)* the address of the applicant's principal office or place of business in Canada, if any, and if the applicant has no office or place of business in Canada, the address of his principal office or place of business abroad and the name and address in Canada of some person, firm or corporation to which any notice in respect of the registration may be sent, upon which service of any proceedings in respect of the registration may be made with the same effect as if they had been served upon the applicant himself.

Sec. **29.** This is a new provision. According to the present practice, which is supported but not defined by a rule approved pursuant to Sec. **42** of the *Trade Mark and Design Act*, a mark which on its face is not distinctive, by reason of its being descriptive or otherwise, may be registered upon the production to the Registrar of affidavits from three cities in different provinces in which it is stated that in the deponents' opinion the use of the mark on wares indicates that these are the wares of the applicant. The protection thus afforded to the public is illusory and the practice outlined by the section is proposed to be substituted for it. The use of an unregistrable mark as a trade mark will either be challenged by others or it will not. If it is not the user can have no complaint; occasion to complain only arises when some one else begins to use a similar mark. If by the time that happens the mark has really become distinctive of the first user's goods, he will be entitled to get a judgment against the later user as an infringer since the Bill, unlike the *Trade Mark and Design Act*, makes no attempt to forbid actions for the infringement of unregistered marks. This section accordingly empowers the Court in such an action to direct the registration of the mark and relieve the plaintiff for the future from the obligation to establish its distinctive character. If the plaintiff cannot succeed in obtaining such a direction, it follows that the mark is not in fact a distinctive one and should not be registered.

Sec. **30.** For the convenience of the public the information specified in clauses *(a)*, *(b)* and *(d)* should all be on record in order that the rights of all persons interested and the chances of possible conflict with other marks may be estimated on an examination of the register. The necessity for the statements required by clauses *(c)* and *(e)* is obvious and the requirement as to the furnishing of a Canadian address (clause *(f)*) is a usual one on which it is advisable to insist upon in order to relieve Canadian suitors from the necessity of effecting service out of the jurisdiction.

Additional information in application for association mark.

(2) If the mark is intended to indicate that the wares in association with which it is used have been manufactured, sold, leased or hired by the owner thereof the application shall so indicate and shall contain

*(a)* a concise description, expressed in such terms as are ordinarily and commercially used by the applicant, of the wares with which the applicant is commercially concerned;

*(b)* a concise description in like terms of the specific wares in connection with which the applicant has used the mark;

Additional information in application for Standardization Mark.

(3) If the mark is intended to indicate that the wares in association with which it is used are of a defined standard, or have been produced under defined working conditions, by a defined class of persons or in a defined area, the application shall so indicate and shall contain

*(a)* a statement that the applicant is not engaged in the manufacture, sale, leasing or hiring of wares similar to any wares in association with which the mark is used;

*(b)* an exact definition of what the use of the mark in association with wares is intended to indicate in respect of the standard which such wares have attained, or of the working conditions or class of persons by whom they have been produced or of the area in which they have originated.

Application to distinguish between work mark and design mark.

**31.** (1) Every application for the registration of a trade mark shall state whether the applicant requests the registration of the mark as a word mark or as a design mark.

(2) If he requests the registration of the mark as a word mark, the letters and/or figures constituting the mark shall be set out in the application in their proper grouping.

(3) If he requests the registration of the mark as a design mark, the application shall contain a concise description of what the applicant considers to be its principal features, any words or figures being referred to, if at all, only as reading matter and described as being in a specified relation to the other features of the design and/or of a described general appearance, as the case may require, and the applicant shall furnish five accurate and complete representations of the design prepared on or attached to paper of the prescribed size.

Application based on foreign registration.

**32.** Any person who bases his right to the registration of a trade mark upon a previous registration abroad shall, in addition to the information hereinbefore specified, furnish a copy of such previous registration, certified by the office in which it was made, together with a translation thereof into English or French if it is in any other language, and such other evidence, if any, as may be necessary fully to establish his right to effect the registration applied for.

Sec. 31. This section is a necessary consequence of the distinction between word marks and design marks. See Secs. 26 and 27 and the note to the former). The phraseology of the concluding clause has been adapted in order to prevent the Registrar's being required to receive and store physical examples of a trade mark such as a bottle of a special shape.

Sec. 32. The requirement of this section is in accordance with the provisions of the concluding paragraph of Art. 6, of the Convention, except as to the obligation to furnish a translation, which is of course essential.

Application based on judgment of court.

**33.** Any person who desires to make an application for the registration of a trade mark based upon a judgment, order or declaration of the Exchequer Court of Canada or of a superior court shall file a certified copy of the judgment of such court containing the declaration and an application in writing containing so much of the information required in the case of an application under the last preceding section as is not contained in such judgment.

Evidence of legal existence of commercial association.

**34.** Every application by a commercial association for the registration of a trade mark shall contain or be accompanied by evidence that the legal existence of the association is recognized by the laws of the country or province in which its headquarters are situate.

Registration applies to whole of Canada.

**35.** An application for the registration of a trade mark shall, unless the contrary appears therefrom, be deemed to assert a claim on the part of the applicant to be registered as owner of the mark throughout Canada.

Indexes of pending applications.

**36.** (1) There shall be kept under the supervision of the Registrar three indexes of applications for the registration or extension of trade marks which have been received by the Registrar but are still pending and undisposed of; such indexes shall respectively contain

*(a)* an alphabetically arranged list of the persons by whom such applications have been made, with an indication of the nature of the trade mark applied for by each, and of the wares in connection with which it is proposed to be used;

*(b)* an alphabetically arranged list of the word marks which are the subject of such applications and of the groups of letters and figures forming part of them, with a note of the persons by whom such word marks have been respectively applied for and of the wares in connection with which the marks are proposed to be used, and

*(c)* a classified list of the design marks which are the subject of such applications, with a note of the persons by whom such design marks have been respectively applied for and of the wares in connection with which the marks are proposed to be used.

(2) Upon the disposition of any pending application for the registration of a trade mark, the nature and date of such disposition shall be noted in the indexes aforesaid against the entries therein relating to such application.

(3) The indexes and the applications therein referred to shall be open to public inspection during business hours and the Registrar shall, upon request and the payment of

Sec. **33.** This section provides the machinery for giving effect to such declarations as the courts are empowered to make pursuant to Sec. **29**, *supra*.

Sec. **34.** Whether Sec. **34** of the Bill carries out the exact intention of Article 7 *bis* of the Convention (see note to Sec. 12) may be open to some question, but it is difficult to see how it would be possible for a trademark office, e.g. in Canada, to determine whether the existence of any given association was "not contrary to the law of the country of origin" except by the production of evidence that its legal existence is recognized by that law.

Sec. **35.** The provisions of this section are in accord with those of Secs. **3** and **4**.

Sec. **36.** The indexes directed by this section to be kept are for the purpose of enabling persons interested to ascertain what trade marks are under consideration by the Registrar in pursuance of pending applications. The average delay between application and allowance has on occasions in the past been as great as four months and is always and of necessity substantial. Moreover, even longer delays may occur in special cases, e.g. applications under Sec. **40** of the present Bill. Having regard to the nature of the evidence which a certificate of registration constitutes (Sec. **18**) and the necessarily consequent provisions of Sec. **39**, *infra*, an index of pending applications is essential. The Bill contains no provision as to the indexing of registered trade marks since it is assumed that the Registrar must prepare adequate indices in order to discharge his duties under Secs. **26** and **27**, but this Bill provides that regulations may be made in respect thereto by the Governor in Council.

the fee prescribed therefor, furnish a copy of any entry in any index or of any application certified under his seal of office.

Refusal to register

**37.** If the Registrar is of opinion that an application is one which cannot be allowed under this Act, he shall forthwith notify the applicant accordingly, giving his reasons for refusing to allow the application.

Reference to owners of previously registered marks.

**38.** (1) If the Registrar is in doubt as to whether or not an application for registration should be granted by reason of any registrations theretofore made, he shall by registered letter request the owners of the previously registered marks upon which such doubt is based to state, within a period to be fixed by him, whether they have any objection to the proposed registration, and if so, the reasons for such objection.

(2) If any of them object for reasons which are not in the Registrar's opinion frivolous, he shall, subject as hereinafter provided, refuse the application and notify the applicant accordingly, giving full particulars of the registrations or applications on which the objections are based, and the reasons adduced in support of such objections.

*Registration.*

Registration.

**39.** If there is no objection to the registration of a trade mark for the registration of which a sufficient and complete application has been made, the Registrar shall, subject as hereinafter provided, forthwith cause such trade mark to be entered in the register as of the date upon which such application was received by him.

Priority by foreign registration.

**40.** (1) When an application for the registration of a trade mark has been made in any country of the Union other than Canada, the date of such application shall be deemed to be the date of the application in Canada for the registration for use in association with the same kind of wares of the same or substantially the same mark by the same applicant or his successor in title, who shall be entitled to priority in Canada accordingly notwithstanding any intervening use or registration, provided

*(a)* that the application in Canada is made within six months from the date of the earliest application in any country of the Union, and

*(b)* that the applicant or, if the applicant is an assignee, his predecessor in title by whom any earlier application was made in any country of the Union, was at the date of such application a national of or domiciled in such country or had therein a real and substantial commercial or industrial establishment.

Sec. **38.** This is an enabling section which permits the Registrar, if he is in doubt as to the propriety of allowing an application for the registration of a trade mark which may conflict with another already on the register, to ascertain the views of the owner of the already registered mark before either allowing or rejecting the application.

Sec. **39.** Having regard to the nature of the evidence afforded by a certificate of registration under sec. **18**, *supra*, the date of the certificate should clearly correspond with that of the application.

Sec. **40.** This section is designed to carry out the express provisions of Art. 4 of the Convention which fixes the period of priority in the case of trade marks at six months and requires an additional minimum period of three months to be allowed for the deposit of all necessary papers other than such a declaration as is specified in subsection 2 of this section. Section **52** of the *Trade Mark and Design Act*, inserted therein in 1923, in part follows the provisions of Art. 4 of the Convention as they stood prior to their revision at the Hague in 1925.

How right of priority obtained.

(2) For the purpose of the priority given by this section it shall suffice if the applicant deposits with the Registrar within the period hereinbefore limited a written request for the registration including or accompanied by a declaration setting out the date upon which and the country of the Union in which the earliest application was made for the registration of the same or substantially the same mark for use in association with similar wares.

How right of priority preserved.

(3) To preserve his right of priority, however, he shall within three months after such deposit, or within such further period as the Registrar may, by order made within such three months, for good cause allow, furnish a copy of every prior application relied upon, certified by the office in which it was made, together with a certificate by such office of the date upon which it was deposited therein, translations of these documents if not in English or French, and any other papers necessary fully to establish his right, or required, as hereinbefore provided, to be furnished in support of an application for the registration of a trade mark.

Record of associated marks.

**41.** Upon the registration of any mark associated with any other mark already registered a note of the registration of such mark shall be made on the record of the registration of the mark or marks with which it is associated, and a note of the registration of such other mark or marks shall be made on the record of the registration of the new associated mark.

## Amendment of Record of Registration

Amendment of record of registration.

**42.** If the person who at any time appears from the record of the registration of a trade mark to be the owner of such mark represents to the Registrar that any amendment is required to any statement theretofore recorded relating to the wares in which the owner of the mark is commercially concerned, or to the use of the mark, the address of the owner, or the person upon whom service may be made of proceedings in respect of the registration, the record shall, subject as hereinafter provided, be amended or added to accordingly.

Condition of certain amendments.

**43.** No amendment of or addition to the statement relating to wares in association with which any trade mark is used shall be made in the record of the registration of such mark unless the Registrar is first satisfied that such amendment will not prejudice the rights of the person appearing to be the owner of any trade mark on the register at the date of the making of the application for the amendment.

Sec. 41. See as to associated marks, sections 28 *(b)*, 41 and 45.

Sec. 42. Amendments of the register at the instance of the owner of the registered mark may be called for by a change in the character of the owner's business, by an extension of the use of the marks to additional classes of wares or otherwise. In none of such cases should a fresh registration be necessary.

Sec. 43. It is obvious that no extension of a registration in the manner specified in this section should be allowed except after a search of the same kind as would have been made if the application had been originally framed in the way it is proposed to amend it.

**44.** Whenever it is made to appear to his satisfaction that any person who appears on the register to be an owner of a registered trade mark has ceased to be so and that some other person has become the owner of such mark, the Registrar shall note the change of ownership accordingly on the record of the registration.

Recording transfer of ownership of associated marks.

**45.** No amendment of the register recording any change in the ownership of any one of a group of associated marks shall be made unless it has been made to appear to the Registrar that the same change has occurred in the ownership of all the marks in such group and corresponding entries are made contemporaneously with respect to the ownership of all such marks.

Notice of change of address of owner of registered mark.

**46.** The owner of every registered trade mark shall give notice from time to time to the Registrar of any change in the address to which he desires that any notice with respect to the trade mark should be directed, and any notice authorized by this Act to be given with respect to any trade mark shall be deemed to have been sufficiently given to the owner thereof if posted by ordinary mail directed to the person appearing on the register to be the owner at the address last given by him.

Owner of design mark to supply representation on request.

**47.** The owner of any registered design mark shall, from time to time, at the request of the Registrar, furnish such additional representations of the mark as the Registrar may require and if the owner of the mark fails to comply promptly with any such request, the record of the registration of the mark shall be liable to be expunged on notice or order as hereinafter provided.

Cancellation of registration on request.

**48.** The person who at any time appears from the register to be the owner of a trade mark may request the Registrar to cancel the registration of such mark and the Registrar shall cancel the same accordingly.

Notices of proposed amendment or cancellation of registration.

**49.** (1) If it appears to the Registrar that any registration has been improperly or incorrectly made, or if it is represented to him that the use of any registered trade mark has been abandoned by the person appearing from the record of the registration to be the owner of the mark, or that for any other reason the registration of any mark should be expunged or any entry relating thereto cancelled or corrected, he shall give notice to the person appearing from the record to be the owner of the mark requiring him to state whether, having regard to the facts set out in the notice, he desires the mark to remain upon the register or has any objection to the cancellation or proposed correction of any entry relating thereto, as the case

Sec. **44.** The *Trade Mark and Design Act* (sec. 15) boldly provides that a registered trade mark "shall be assignable in law". The Courts have, however, held that a registered mark, like any trade mark at common law, is assignable only with the goodwill of the business in connection with which it is used. This section leaves the transfer of title to be regulated by the common law and deals only with the recording of it, just as the original registration is limited to the entry in the register of rights already acquired.

Sec. **45.** Associated marks must necessarily remain so in order that the public shall not be misled. Hence this section. See sections **28** *(b)* **41** and **45.**

Sec. **46.** See sec. **30** and the note thereto.

Sec. **47.** This section is designed to enable the Registrar to furnish certified copies of the records without undue expense in the preparation of copies of design marks, particularly those in colour.

Sec. **49.** This and the two next following sectione are designed to provide a simple and inexpensive procedure for keeping the register from becoming encumbered by marks not actually in use or contemplated re-use and to ensure that, so far as possible, it shall accurately represent the facts of the commercial situation. The requirement that action shall be preceded by two successive notices at an interval of not less than three months, and the prohibition against any action being taken by the Registrar if objection is made by the owner of the mark, adequately safeguard the latter's rights and at the same time fulfil the condition laid down by the concluding paragraph of Art. 5 of the Convention, which provides that:

> "If in any country, the utilization of a registered mark is compulsory, registration cannot be cancelled until after a reasonable period has elapsed, and then only if the person interested cannot justify the causes of his inaction."

may require, and if the owner of the trade mark concurs in the action proposed in the notice the Registrar shall amend the register accordingly.

Amendment or cancellation after notice.

(2) If within three months from the despatch of any notice under the next preceding section, no reply has been received from the owner of the mark in question and the Registrar is of opinion that sufficient time has elapsed to have permitted the receipt of a reply, he shall send by registered mail a second notice enclosing a copy of the first and stating that unless a reply is received within a reasonable time to be fixed by him, he will alter the register in a manner specified, and if the owner of the mark either concurs in the proposed alteration or fails to reply to the notice within the time limited, the register shall be altered accordingly, without prejudice to the right, if any, of the owner of the mark to make an application for the re-registration of a mark, the entry of the registration of which has been expunged, or for the restoration of any entry relating thereto which has been limited or amended.

Effect of objection.

(3) No amendment of the register shall be made by the Registrar if the person appearing from the record to be the owner of the mark which would be affected objects to the making of such amendment.

JURISDICTION OF EXCHEQUER COURT

Appeal. Jurisdiction of Exchequer Court.

**50.** (1) Upon the refusal of the Registrar to grant, wholly or in part, any application authorized by this Act to be made to him, the applicant may appeal from such refusal to the Exchequer Court of Canada within sixty days from the date upon which notice of the decision was despatched to him by the Registrar or within such further time as the Court may allow, either before or after the expiry of the sixty days aforesaid.

Notice of appeal.

(2) Notice of such appeal shall within the time limited as aforesaid be filed with the Registrar and with the Registrar of the Exchequer Court and a like notice shall within such time be given by registered mail to such persons as may appear from the register to be the owners of any trade marks which have been referred to by the Registrar in the decision complained of.

When advertisement required.

(3) In any case in which by reason of the nature of the question presented by such appeal, the Court considers that such question cannot be properly dealt with without public notice by advertisement or otherwise of the hearing of the appeal, it may direct such public notice to be given in such manner as appears to it to be necessary to bring the question raised to the attention of the persons whom it considers may be concerned or interested in the decision thereof.

Sec. **50.** The *Trade Mark and Design Act* contains no express provision for an appeal from the Registrar but confers a right to apply to the Exchequer Court upon any person aggrieved by either the making of or the refusal to make any entry in the register (sec. **45**) and the procedure to be followed in cases of the latter class is specified in the Rules of the Court. It seems more convenient that a right of appeal should be expressly given under the conditions defined in this section, and that strictly inter-party proceedings should be separately dealt with as they are by the next section of the Bill.

Abandonment of appeal.

(4) Subject to the direction of the Court, any such appeal shall be deemed to have been abandoned it it has not been brought on for hearing within six months after notice thereof was filed with the Registrar of the Exchequer Court.

Jurisdiction of Exchequer Court to amend register.

**51.** (1) The Exchequer Court of Canada shall have jurisdiction, on the application of the Registrar or of any person interested, to order that any entry in the register be struck out, or that it be amended on the ground that at the date of the application the entry as it appears on the register does not accurately express or define the existing rights of the person appearing to be the owner of the mark.

(2) No person shall be entitled to institute under this section any proceeding calling into question any decision given by the Registrar of which such person had express notice and from which he had a right to appeal.

Summary disposition of proceedings.

**52.** Every application under this section shall be made by the filing with the Registrar of the Court of an originating notice of motion.

**53.** Every such application and every appeal from any decision of the Registrar shall, unless the Court directs some issue of fact to be determined on oral evidence, be heard and determined summarily on evidence adduced by affidavit.

Registrar to transmit papers on request.

**54.** When any application has been made to the Exchequer Court of Canada under either of the last preceding sections, the Registrar shall, on the request of any of the parties to such proceedings and the payment of the prescribed fee, transmit to the Registrar of the Exchequer Court all papers on file in his office relating to the matters in question in such proceedings.

APPEAL.

Appeal.

**55.** An appeal shall lie from any judgment of the Exchequer Court of Canada in any action or proceeding under this Act irrespective of the amount of money, if any, claimed to be involved.

Sec. **51.** The right to attack a registration given by this section is wider than that conferred by sec. **45** of the *Trade Mark and Design Act*. This section is designed to give the Court jurisdiction to make the register correspond with the facts of the commercial situation as they stand at the date of the application; whereas under the present law the Exchequer Court has jurisdiction to consider only the question of the legality of the registration as originally made; the subsequent conduct of the registered owner of the mark (with the possible exception of his abandonment of it) confers no right to take proceedings to expunge it even on parties alleging themselves to be aggrieved by its appearance on the register.

Sec. **52.** This section and subs. (3) of sec. 52 are designed to simplify the procedure to be followed by persons seeking the amendment of the register. Under the present practice there are what are in effect pleadings and oral evidence is taken as a matter of course. In most cases of the kind, however, this is really unnecessary, the questions at issue being rather questions of law than of fact, which would be more conveniently and inexpensively dealt with in a summary way.

Sec. **54.** This section provides a simple procedure by which all the material in the office of the Registrar is made available for the consideration of the Court.

Sec. **55.** A right of appeal in trade mark cases now exists only when the amount or value in controversy is $500 or leave to appeal has been obtained. Trade mark rights are generally regarded by the parties to actions involving them as of great importance and the present provisions are unduly restrictive of the right to have the judgment at the trial reviewed in appeal in any case.

## General Provisions.

Fees.

**56.** The following fees shall be payable on applications to the Registrar under this Act:—

| | |
|---|---|
| On every application to register a trade mark | $10 00 |
| On every application for the renewal of an expiring trade mark or the filing of the information required to render its renewal unnecessary | 10 00 |
| On every application to amend the record of the registration of a trade mark, otherwise than in respect of the address of the applicant or of the person or corporation representing him in Canada for the purpose of this Act | 5 00 |
| On every application to amend the record of a registration in respect of any such address | 1 00 |
| On every application to record a transfer of the ownership of a trade mark | 2 00 |
| On every application for a copy of any document on file in the office of the Registrar, $0.25 for each one hundred words or fraction thereof, with a minimum of | 1 00 |
| On every application for the despatch to the registered owner of a trade mark of a notice or notices proposing that any entry in the register should be expunged or amended | 5 00 |
| On any application to the Registrar to transmit to the Exchequer Court the papers on file in his office relating to any entry in the register | 5 00 |

Periodical publication.

**57.** The Registrar shall cause to be published periodically particulars of the registrations made and extended from time to time under this Act and shall in such publication give particulars of any rulings made by him which are intended to serve as precedents for the determination of similar questions thereafter arising.

**58.** (1) Until otherwise ordered by the Governor in Council the administration of this Act shall be vested in the Department of the Secretary of State of Canada, of which the Secretary of State has the management and direction, and the officers charged with duties or functions in connection therewith shall be officers of said Department and subject to the supervision of the Under Secretary of State.

(2) The Commissioner of Patents shall exercise the powers conferred and perform the duties imposed by this Act upon the Registrar under the direction of the Secretary of State of Canada, and, in the absence or inability to act of the

Sec. **56**. The fees now payable in connection with trade mark applications are set out in Section **49** of the *Trade Mark and Design Act* as follows:—

"**49**. The following shall be the fees in respect to registration under this Act which shall be paid to the Minister in advance, that is to say:—

| | |
|---|---|
| On every application to register a general trade mark, including certificate | $30 00 |
| On every application to register a specific trade mark or union label, including certificate | 25 00 |
| On every application for the renewal of the registration of a specific trade mark, including certificate | 20 00 |

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| | |
|---|---|
| For a copy of every certificate of registration separate from the return of the duplicate | $ 1 00 |
| For the recording of every assignment | 2 00 |
| For copies of documents not above mentioned, for every hundred words or for every fraction thereof | 0 50 |
| For each copy of any drawing or emblematic trade mark or union label, and for each of any drawn copy of an industrial design, the reasonable expense of preparing the same. R.S., c. 71, s. 46; 1927, c. 71, s. 11." | |

The above fees payable for the registration of trade marks are higher than those made in all but two other countries in the world and are so high as seriously to reduce the number of trade marks registered. It is of substantial public importance that the register of trade marks should be as complete as possible, the law in some countries going so far as to direct the collection and indexing by its Trade Mark Office of unregistered marks. The proposed new scale of fees is designed to secure the registration of as large a proportion as possible of the trade marks actually in use.

Sec. **58**. So far as concerns particulars of registrations, this section directs the fulfilment of the obligation imposed by Ar. 12 of the Convention which is quoted in the note to sec. **22**, *supra*. The advantage of extending the requirement of publication to rulings constituting precedents is obvious.

Commissioner of Patents, any other officer temporarily appointed by the Secretary of State for that purpose may, as Acting Commissioner, exercise such powers and perform such duties under the direction of the Secretary of State.

(3) The Governor in Council may, at any time, assign any of the duties and powers hereby vested in the Secretary of State to any other Minister of the Crown, as provided in the Public Service Re-arrangement and Transfer of Duties Act.

**59.** (1) The Governor in Council may make, amend or repeal regulations generally for carrying into effect the objects of this Act and in particular with respect to the following matters:—

*(a)* The form of the Register of Trade Marks and of the Indexes thereto, which are to be maintained pursuant to this Act, and of the entries to be made therein;

*(b)* The form and contents of applications for registration of any trade mark;

*(c)* The registration of assignments, transmissions, disclaimers, judgments or other documents relating to any trade mark; and

*(d)* The form and contents of certificates of registration.

(2) Any regulation made by the Governor in Council in pursuance of this Act shall be of the same force and effect as if it had been enacted herein.

REPEAL.

Repeal.

**60.** (1) Any application for the registration of a trade mark received by the Registrar at any time before the expiration of a month from the day upon which this Act comes into force shall be dealt with in accordance with the provisions of the *Trade Mark and Design Act*, and registrations made pursuant to such applications shall for the purposes of this Act be deemed to have been on the register at the date upon which the Act comes into force.

(2) Subject as aforesaid, sections three, four to twenty-one inclusive, twenty-three, fifty-two and fifty-three of the said Act are repealed and sections forty-two to fifty-one inclusive are amended by striking therefrom the words "trade mark" and "trade marks" and any other words exclusively relating to the said words.

(3) For the purpose of sections twenty-two, twenty-four and twenty-five of the said Act the expression "union label" shall mean a registered trade mark adopted for the purpose of indicating that the wares bearing it have been produced under defined working conditions or by a defined class of persons.

Date of coming into force.

**61.** This Act shall come into force on the first day of August, 1932.

Sec. **60.** The subject of unfair competition, including trade marks, has, from a legislative point of view, little or nothing in common with that of industrial designs. The constitutional considerations affecting the two subjects are entirely different, the protection of industrial designs having more in common with the copyright than of unfair competitive trade practices. Moreover the field of operation of legislation on the subject of industrial designs is a narrow one and any amendment of the existing law upon it involves its careful demarcation. The present Bill therefore leaves the existing industrial design legislation untouched, the *Trade Mark and Design Act* being accordingly amended or repealed to this end. In addition, however, to the provisions relating to designs, three sections dealing with criminal proceedings in relation to the improper use of union labels are left unrepealed and a definition of the expression "union labels", necessary to make these sections correspond with those of the Bill, is inserted.

Commissioner of Patents, any other officer temporarily appointed by the Secretary of State for that purpose may, as Acting Commissioner, exercise such powers and perform such duties under the direction of the Secretary of State.

(3) The Governor in Council may, at any time, assign any of the duties and powers hereby vested in the Secretary of State to any other Minister of the Crown, as provided in the Public Services Re-arrangement and Transfer of Duties Act.

**79.** (1) The Governor in Council may make, amend or repeal regulations generally for carrying into effect the objects of this Act and in particular with respect to the following matters:—

(a) The form of the Register of Trade Marks and of the Indexes thereto, which are to be maintained pursuant to this Act, and of the entries to be made therein;

(b) The form and contents of applications for registration of any trade mark;

(c) The registration of assignments, transmissions, disclaimers, judgments or other documents relating to any trade mark; and

(d) The form and contents of certificates of registration.

(2) Any regulation made by the Governor in Council in pursuance of this Act shall be of the same force and effect as if it had been enacted herein.

## REPEAL.

Repeal.

**80.** (1) Any application for the registration of a trade mark, [illegible] made under section twenty-three, fifty-two and fifty-three of the said Act are repealed and sections forty-two to fifty-one inclusive are amended by striking therefrom the words "trade mark" and "trade marks" and any other words exclusively relating to the said words.

(2) For the purpose of sections twenty-two, twenty-four and twenty-five of the said Act the expression "union label" shall mean a registered trade mark adopted for the purpose of indicating that the wares bearing it have been produced under defined working conditions or by a defined class of persons.

Date of coming into force.

**81.** This Act shall come into force on the first day of August, 1953.

Third Session, Seventeenth Parliament, 22 George V, 1932

THE HOUSE OF COMMONS OF CANADA.

# BILL 6.

An Act to amend the Fish Inspection Act.

First reading, February 9, 1932.

The MINISTER OF FISHERIES.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
39520 1932

3rd Session, 17th Parliament, 22 Geo. V, 1932

THE HOUSE OF COMMONS OF CANADA

# BILL 6.

An Act to amend the Fish Inspection Act.

R.S., c. 72. 1929, c. 43; 1930 (1), c. 22.

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

**1.** Subsection one of section three of the *Fish Inspection Act*, chapter seventy-two of the Revised Statutes of Canada, 1927, as enacted by chapter twenty-two of the statutes of 1930 (First Session), is repealed, and the following is substituted therefor:—

Application of Act.

"**3.** (1) This Act shall apply to pickled herring, pickled alewives, pickled mackerel and pickled salmon, other than mild cured salmon, and the containers used, or intended to be used, for packing and marketing such fish."

**2.** Subsections one and two of section eight of the said Act, are repealed and the following are substituted therefor:—

Containers must be inspected.

"**8.** (1) All containers used for packing such fish as come under the provisions of this Act and such other fish as may hereafter come under its provisions, shall be made and marked by the maker in accordance with the regulations, and such containers shall not be used, sold, bought or shipped unless they have been inspected and marked by an inspecting officer. Provided that boxes for smoked herring and boxes for dry salted herring shall not be inspected and marked until they have been packed and made ready for shipment: Provided, further, that containers used for marketing such fish oils as may hereafter come under the provisions of this Act shall be as defined in the regulations and be inspected and marked in accordance therewith."

Fish must be inspected.

(2) Such fish as come under the provisions of this Act shall be cured, graded and packed, and the containers thereof marked by the packer in accordance with the

## Explanatory Notes.

The *Fish Inspection Act*, chapter 72 of the Revised Statutes of Canada, 1927, requires that barrels or other containers of such fish as come under the provisions of the Act, he made in accordance with defined standards, that the fish be cured, graded and packed as prescribed in the regulations, and that the marks placed on the containers by the packer correctly represent the kind, grade and weight of the contents.

Inspectors appointed under the Act are not at present required to inspect and mark every barrel or container of fish packed within their respective districts. They are authorized, however, to inspect as many of such as they find it possible to do. This necessarily leaves much room for a great number of barrels of fish of poor quality to slip through to market without inspection.

The purpose of the attached bill, therefore, is to make it obligatory for inspectors to inspect all fish and barrels which come under the provisions of the Act, by prohibiting the sale or shipment of such until they have been inspected and officially marked. It is proposed to secure this by amending subsections 1 and 2 of section 8 of the existing Act.

**1.** Section 1 of the Bill is intended to amend subsection 1 of section 3 of the Act as enacted by chapter 22 of the Statutes of 1930 (1st Session), with a view to making it clearer that the Act applies to herring, alewives, mackerel and salmon cured in pickle.

The subsection to be repealed and re-enacted reads as follows:—

"(1) This Act shall apply to pickled herring, alewives, mackerel and salmon, other than mild cured salmon, and the containers used or intended to be used for packing and marketing such fish."

**2.** Section 2 of the bill is intended to amend subsections 1 and 2 of section 8 of the Act.

Subsection 1 at present simply requires that containers used for packing fish be made and marked in accordance with the regulations. The amendment to this subsection will require inspecting officers to see that all containers are of the standard quality and size, and to officially stamp such as come up to the standard before sale or shipment. Boxes for smoked herring and dry salted herring are to he exempted from this requirement as these are usually put together hy the packer just before packing, and can he inspected when filled.

Fish oils are not at present subject to the provisions of the Act. By an amendment to the Act, however, chapter 22 of the Statutes of 1930, first session, the Governor in Council has authority to at any time order any one or more of such provisions to apply to fish oils.

Subsection 2 at present requires only that fish be graded, packed and marked in accordance with the regulations. The proposed amendment is intended to require inspecting officers to see that all fish subject to this inspection are properly cured, graded and packed and to mark the containers of such as are found to be in accordance with the regulations with a suitably designed official stamp before sale or shipment.

The subsections to he repealed read as follows:—

"(1) All containers used for packing fish shall be made and marked in accordance with the rsgulations.

(2) All fish shall be graded, packed and marked in accordance with the regulations."

regulations, and such fish shall not be sold, bought or shipped unless they have been inspected and the containers thereof marked by an inspecting officer: Provided that such fish oils as may hereafter come under the provisions of this Act shall be prepared and graded in accordance with the regulations and be inspected in accordance therewith."

**3.** Subsection one of section nine of the said Act is repealed and the following is substituted therefor:—

Imported fish.

"**9.** (1) All fish imported into Canada from other countries shall be packed in containers of a similar character and equal quality to those required in this Act and shall be clearly marked with the kind, grade and weight of fish they contain, and with the name of the country of origin, including the name and address of the packer, or the licence number of the packer."

**4.** Section fifteen of the said Act is repealed and the following is substituted therefor:—

Penalty for altering official marks.

"**15.** Any person who alters, destroys, erases or falsifies any declaration or other document, or any marks placed on the containers by an inspecting officer, prescribed for use under the provisions of this Act, or under the regulations, shall be liable to a penalty of not less than twenty dollars and costs, and in default of payment to imprisonment for a term of not less than two months, or both, and not more than five hundred dollars or six months' imprisonment or both."

Commencement of Act.

**5.** This Act shall come into force on the first day of January, 1933.

3. This section is intended to amend subsection 1 of section 9 of the Act which deals with imported fish, by adding to it the underlined words "including the name and address of the packer or the licence number of the packer."

4. This section is intended to amend section 15 of the Act in order to bring it into line with the new system of inspection and marking to be instituted, by providing penalties for altering, destroying, erasing, etc., any marks placed on the containers by the inspecting officer. The underlined words are to be inserted in the section, otherwise it remains as before.

5. This section provides for the amended Act coming into force on January 1, 1933. This date is considered to be the most suitable and convenient for the inauguration of the changes, as it comes between seasons, and will allow of sufficient time to make the industry fully acquainted with the changes required, before the beginning of the 1933 season.

Third Session, Seventeenth Parliament, 22 George V, 1932

THE HOUSE OF COMMONS OF CANADA.

# BILL 7.

An Act to amend the Criminal Code (Summary trials).

First reading, February 10, 1932

THE MINISTER OF JUSTICE.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
40265 1932

3rd Session, 17th Parliament, 22 Geo. V, 1932

THE HOUSE OF COMMONS OF CANADA

# BILL 7.

An Act to amend the Criminal Code (Summary trials).

R.S., c. 36; 1930, c. 11; 1931, c. 28.

HIS MAJESTY, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

**1.** Subsection one of section seven hundred and seventy-four of the *Criminal Code*, chapter thirty-six of the Revised Statutes of Canada, 1927, as enacted by section thirteen of chapter twenty-eight of the statutes of 1931, is repealed, and the following is substituted therefor:—

Summary trial in certain cases.

"**774.** (1) When any person is charged,

*(a)* in the province of Ontario before a police magistrate, or before a stipendiary magistrate in any county, district or provisional county in such province;

*(b)* in the province of Manitoba before a police magistrate;

*(c)* in the province of Saskatchewan before a police magistrate;

*(d)* in any city or incorporated town, having a population of not less than 2,500, according to the last decennial or other census taken under the authority of an Act of Parliament of Canada, before any police or stipendiary magistrate or before any recorder of any such city or town, if he exercises judicial functions;

*(e)* in the Yukon Territory before any judge of the Territorial Court or a police magistrate; or

*(f)* in the province of Quebec before any district magistrate or judge of the sessions,

with having committed any offence (except culpable homicide or any of the offences mentioned in section five hundred and eighty-three), or has been committed to a gaol in any county, district or provisional county under the warrant of any justice for trial on a charge of being guilty of any such offence, such person may, with his own consent, be tried before such recorder, judge or magistrate, as the case may be, and may, if found guilty, be sentenced to the punishment provided for such offence."

## EXPLANATORY NOTE

**1.** The only change is in the addition of the underlined paragraphs *(b)* and *(c)*.

*(b)* The purpose of new paragraph *(b)* is to restore to this section an amendment made by chapter eleven of the statutes of 1930, which was omitted when subsection one of section 774 was repealed and re-enacted in 1931.

The Legislature of Manitoba has provided for the appointment of police magistrates who are located at "key positions" in the province. Each police magistrate has jurisdiction over a district and cases which arise in such district are dealt with by such magistrate. The Attorney General of Manitoba has requested that all such police magistrates be given the extended jurisdiction provided for in subsection (1) of section 774 of the Criminal Code.

*(c)* The Attorney General of Saskatchewan has also made a request that police magistrates in Saskatchewan be given the jurisdiction provided for in subsection (1) of section 774.

Third Session, Seventeenth Parliament, 22 George V, 1932

THE HOUSE OF COMMONS OF CANADA.

# BILL 8.

An Act to amend The Juvenile Delinquents Act

First reading, February 10, 1932

THE MINISTER OF JUSTICE.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
40446 1932

3rd Session, 17th Parliament, 22 Geo. V, 1932

THE HOUSE OF COMMONS OF CANADA

# BILL 8.

An Act to amend The Juvenile Delinquents Act

1929, c. 46.

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Adults who contribute to delinquency.

**1.** *The Juvenile Delinquents Act,* chapter forty-six of the statutes of 1929, is amended by adding to section thirty-three thereof the following subsection:—

No defence if child does not become delinquent.

"(4) It shall not be a valid defence to a prosecution under this section that notwithstanding the conduct of the accused the child did not in fact become a juvenile delinquent."

## EXPLANATORY NOTE

**1.** Section 33, to be amended, at present reads as follows::—

**33.** (1) Any person, whether the parent or guardian of the child or not, who knowingly or wilfully

*(a)* aids, causes, abets or connives at the commission hy a child of a delinquency, or

*(b)* does any act producing, promoting, or contributing to a child's being or becoming a juvenile delinquent or likely to make any child a juvenile delinquent,

shall be liable on summary conviction before a Juvenile Court or a magistrate to a fine not exceeding five hundred dollars or to imprisonment for a period not exceeding two years or to both fine and imprisonment.

(2) Any person who, being the parent or guardian of the child and being able to do so, knowingly neglects to do that which would directly tend to prevent said child being or becoming a juvenile delinquent or to remove the conditions which render or are likely to render said child a juvenile delinquent shall he liable on summary conviction before a Juvenile Court or a magistrate to a fine not exceeding five hundred dollars or to imprisonment for a period not exceeding two years or to both fine and imprisonment.

(3) The Court or magistrate may postpone or adjourn the hearing of a charge under this section for such periods as the Court may deem advisable or may postpone or adjourn the hearing *sine die* and may impose conditions upon any person found guilty under this section and suspend sentence subject to such conditions, and on proof at any time that such conditions have heen violated may pass sentence on such person.

Prior to 1921 it was held in the cases of Rex v. Hoffman (1919), 1 W.W.R., 625, and Rex v. Limoges (1920), 1 W.W.R., 293, that under the section as it then stood it was necessary, in order to convict, that it should be shewn that the child had actually become a juvenile delinquent as the result of the conduct of the accused. In 1921, with a view to overcoming the difficulty created by these decisions, subsection 1 *(b)* was amended by inserting the words "or likely to make any child a juvenile delinquent". In the case of Rex v. James Stron the Chief Justice of Manitoha, on March 24, 1930, decided that the insertion of thse words had not altered the meaning of the section, and that Rex. v. Limoges was still good law and to be followed.

The purpose of the present amendment is to make it clear that it is an offence to do any act which is likely to make any child a juvenile delinquent, whether as a result of such act the child did or did not in fact become a juvenile delinquent. The amendment is put forward at the instance of the Attorney General of Manitoba, and is supported by the Attorney General of Nova Scotia; the Solicitor to the Attorney General's Department, Ontario; the Attorney General of Alberta; the Attorney General of Saskatchewan and a number of officials and societies interested in the enforcement of the laws relating to child welfare.

Third Session, Seventeenth Parliament, 22 George V, 1932

THE HOUSE OF COMMONS OF CANADA.

# BILL 9.

An Act to amend the Judges Act

First reading, February 10, 1932.

THE MINISTER OF JUSTICE.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
40450 1932

3rd Session, 17th Parliament, 22 Geo. V, 1932

HOUSE OF COMMONS OF CANADA

# BILL 9.

An Act to amend the Judges Act

R.S., c. 105; 1930, c. 27; 1931, c. 37.

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Travelling expenses.

**1.** Paragraph *(b)* of subection one of section twenty-one of the *Judges Act*, chapter one hundred and five of the Revised Statutes of Canada, 1927, is amended by inserting immediately before the proviso at the end thereof the following:—

Judges of the Superior Court in Quebec.

"; in the province of Quebec no judge of the Superior Court shall receive any travelling allowance for courts or chambers held outside his district, unless the holding of such courts or chambers by such judge is approved by the Attorney General of the province:"

Outside of district.

**2.** Paragraph *(d)* of subsection one of section twenty-one of the said Act is amended by adding thereto the following:—

Approval by Attorney General.

"and unless the holding of such court is approved by the Attorney General of the province."

## EXPLANATORY NOTE

1. Subsection one of section twenty-one at present reads as follows:—

"**21.** There shall he paid for travelling allowances to each judge, whether of a superior or county court, and to each local judge in Admiralty of the Exchequer Court, except as in this section otherwise provided, in addition to his moving or transportation expenses the sum of ten dollars for each day, including necessary days of travel going and returning, during which he is attending as such judge in court or chambers at any place other than that at which he is by law ohliged to reside, if such attsndance has been in any place which is a city, otherwise he shall be paid the sum of six dollars for each day he has so attended: Provided that

*(a)* no judge shall receive any travelling allowance for attending any court or chambers at or in the immediate vicinity of the place where he resides;

*(b)* in the province of Nova Scotia no judge of the Supreme Court shall receive any travelling allowance for courts or chambers held at the city of Halifax; in the province of New Brunswick no judge of the Supreme Court shall receive any travelling allowance for courts or chambers held at either one of the cities of Fredericton or St. John unless he resides at the other of the said cities or in the immediate vicinity thereof, or unless he he the judge who under the authority of the laws of the province resides at Moncton; in the province of Manitoba no judge of the Court of Appeal or of the Court of King's Bench shall receive any travelling allowance for courts or chambers held at the city of Winnipeg; in the province of British Columbia no judge of the Supreme Court shall receive any travelling allowance for courts or chambers held at either one of the cities of Victoria or Vancouver unless he resides at the other of the said cities or in the immediate vicinity thereof; in the province of Prince Edward Island no judge of the Supreme Court shall receive any travelling allowance for courts or chambers held at the city of Charlottetown; in the province of Saskatchewan no judge of the Court of Appeal or of the Court of King's Bench shall receive any travelling allowance for courts or chambers held at the city of Regina; in the province of Alherta no judge of the Supreme Court shall receive any travelling allowance for courts or chamhers held at either one of the cities of Edmonton or Calgary, unless he resides at the other of the said cities or in ths immediate vicinity thereof: Provided that nothing in this paragraph shall affect a judge's right to receive travelling allowances if he resides at a place at which he is hy order of the Governor in Council required to reside; and

*(c)* no judge of a conuty court shall receive any travelling allowance for courts or chambers held at the county town of the county, or union of counties, within which he resides;

*(d)* no travelling allowances shall be granted to a judge of a county court in respect of any attendance at a place not within the county or district for which the judge is appointed, unless it appear to the satisfaction of the Minister of Justice that the attendance was duly authorized and necessary."

The purpose of these amsndments is to assist in the audit of accounts of judges for travelling allowances, with a view to promoting further economy in such expenditures. It is difficult for officials auditing these accounts at Ottawa to satisfy themselves that in all cases the expenses charged for were essential for the proper administration of justice in the province, and the principle of the Bill is that the responsibility to certify to this fact shall be placed upon the Attorney General of the province, who is the responsihle Minister in such matters.

Third Session, Seventeenth Parliament, 22 George V, 1932

THE HOUSE OF COMMONS OF CANADA.

# BILL 10.

An Act to amend and consolidate the Fisheries Act.

First reading, February 10, 1932.

The MINISTER OF FISHERIES.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
39916 1932

3rd Session, 17th Parliament, 22 Geo. V, 1932

THE HOUSE OF COMMONS OF CANADA.

# BILL 10.

An Act to amend and consolidate the Fisheries Act.

R.S., c. 73; 1929, c. 42.

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

## SHORT TITLE.

Short title.

**1.** This Act may be cited as *The Fisheries Act, 1932.* R.S., c. 73, s. 1.

## INTERPRETATION.

Interpretation.

**2.** In this Act, and in any regulation made hereunder, unless the context otherwise requires,—

"Fish."

*(a)* "fish" includes shell fish, crustaceans and marine animals;

"Fishery."

*(b)* "fishery" means and includes the area, locality, place or station in or on which a pound, seine, net, weir or other fishing appliance is used, set, placed or located, and the area, tract or stretch of water in or from which fish may be taken by the said pound, seine, net, weir or other fishing appliance, and also the pound, seine, net, weir, or other fishing appliance used in connection therewith;

"Fishing."

*(c)* "fishing" shall mean fishing for or catching fish by any method. (New).

"Minister."

*(d)* "Minister" means the Minister of Fisheries.

"Fishing vessel."

*(e)* "fishing vessel" includes any ship or boat, or any other description of vessel used in fishing. 1929, c. 42, s. 1.

"Canadian."

*(f)* "Canadian" means a British subject resident in Canada. 1929, c. 42, s. 1.

"Lawful excuse."

*(g)* "lawful excuse" means,—

(i) ability to prove that fish in possession during the close time therefor at the place of possession, were legally caught; or

## Explanatory Notes.

The primary purpose of this Bill is to amend the Fisheries Act to make its provisions accord with the recent decision of the Privy Council, which affirmed that the imposition of a licensing system upon fish canneries as provided in the existing Act is beyond the competence of the Dominion Parliament. For this reason the sections covering the matters so adjudicated upon are eliminated. Other sections are omitted where the subject can be more adequately covered by regulation.

In this Bill all new matter is underlined, and attached to the Bill is a summary of the clauses omitted from the existing Act.

Section 2. Paragraph (*g*). Section eighteen of this Bill provides for a "lawful excuse" for the possession of fish during the close time but does not define what "lawful excuse" means. Hence the need for a definition.

(ii) the unintentional or incidental catching of any fish that may not then be taken, when legally fishing for other fish. (New).

"Close time."

*(h)* "close time" means a specified period during which fish to which it applies, may not be taken. (New).

R.S., c. 73, s. 2, am.

APPLICATION.

Provincial rights not affected.

**3.** Nothing in this Act contained shall be taken to authorize the granting of fishery leases conferring an exclusive right to fish in property belonging not to the Dominion but to some province thereof. R.S., c. 73, s. 3.

Licences to take spawn.

**4.** Nothing in this Act contained shall preclude the granting by the Minister of written permission to obtain fish and fish spawn for purposes of stocking or artificial breeding or for scientific purposes. R.S., c. 73, s. 4.

Appointment of Fishery Officers

**5.** (1) There may be appointed in the manner authorized by law, fishery officers whose powers and duties shall be as defined by this Act and the regulations made under it, and by instructions from the Minister, and whose titles shall be as specified in their appointments.

Fishery Officers are justices of the peace.

(2) Every fishery officer shall for all the purposes of this Act and the regulations made thereunder be a justice of the peace during his term of office as a fishery officer.

Fishery guardians.

(3) The Minister may appoint fit and proper persons to act as fishery guardians, who shall hold office during the pleasure of the Minister, and who shall have for the purposes of this Act and the regulations made under it the powers of a police constable. R.S., c. 73, s. 5, am.

Oath of office.

**6.** Every fishery officer and fishery guardian shall take and subscribe an oath in the form following, that is to say:—

"I, A.B., a fishery officer (or guardian) in and for the district of.....do solemnly swear, that to the best of my judgment, I will faithfully, honestly, and impartially fulfil, execute and perform the office and duty of such officer (or guardian) according to the true intent and meaning of the *Fisheries Act* and regulations and in accordance with my instructions. So help me God." R.S., c. 73, s. 6.

FISHERY LEASES AND LICENCES.

Fishery leases and licences.

**7.** The Minister may, in his absolute discretion, wherever the exclusive right of fishing does not already exist by law, issue or authorize to be issued, leases and licences

Paragraph (*h*). Defines "close time."

Section 5 (1). The existing section 5 provides for the appointment of fishery officers by the Governor in Council. This is as it was prior to the adoption of the Civil Service Act. Apparently it was by error that this section was left as it originally was when the Statutes were being consolidated.

Section 5 (2). The existing subsection provides that only such fishery officers as are authorized to do so by the Governor in Council shall exercise the powers of a Justice of the Peace for the purposes of the Fisheries Act. In practice, nearly all our officers are given such powers but are instructed not to exercise them unless the services of local magistrates are not reasonably available. Hence it would save the time of Council if the officers were, by virtue of their appointment, given the powers of a Justice of the Peace for the purposes of the Fisheries Act. The existing subsection reads as follows:—

"2. Every fishery officer, who is authorized by the Governor in Council to exercise the powers of a justice of the peace, shall for all the purposes of this Act and the regulations made under it, be *ex officio* a justice of the peace, within the district for which he is appointed to act as fishery officer."

Section 7. The only change in substance is to except leases of oyster areas from the requirement of being authorized by Order in Council. Section 48 of the Bill provides for the issue of such leases. The existing section reads as follows:—

"7. The Minister may, in his absolute discretion, wherever the exclusive right of fishing does not already exist by law, issue or authorize to be issued fishery leases and licences for fisheries and fishing wheresoever situate or carried on; but leases or licences for any term exceeding nine years shall be issued only under authority of the Governor in Council."

for fisheries and/or fishing, wheresoever situate or carried on; but except for oyster cultivation, leases or licences for any term exceeding nine years shall be issued only under authority of the Governor General in Council. R.S., c. 73, s. 7; 1929, c. 42, s. 2.

If for more than nine years.

**8.** The Minister may cancel any licence issued under the authority of this Act, if he has ascertained that the operations under such licence were not conducted in conformity with its provisions. 1929, c. 42, s. 3, am.

Minister may cancel licence.

WHALE FISHING.

**9.** (1) No vessel or boat shall be employed in the whale fishery, except under license from the Minister. R.S., c. 73, s. 9 (1), am.

Licences for whale fishery.

(2) Boats known as tow-boats shall not be used by any one in the prosecution of the whaling industry, and no vessel other than the vessel from which the whales have been captured or killed, shall, by any method or contrivance, bring or tow into port any whale for manufacture or other purpose; but nothing in this section shall prevent any one, other than the holder of a licence, or his employees, from towing any dead whale to land, and having it manufactured or otherwise disposing of it in accordance with law. R.S., c. 73, s. 9 (7), am.

Tow-boats not to be used.

(3) No one shall pursue, capture, shoot or kill any whale within the distance of one-half nautical mile of any vessel or boat not at anchor or within one nautical mile of any vessel or boat at anchor or engaged in any kind of fishing. R.S., c. 73, s. 9 (8).

Protection of other vessels.

(4) No one shall have in his possession for the purpose of catching or killing whales, or use in the catching or killing of whales any contrivance which does not include a harpoon, with a whaling line attached thereto, fixed or fastened to the boat or vessel from which the whale is captured or killed. R.S., c. 73, s. 9 (9).

Prohibited contrivances.

(5) The licence fee payable for any vessel or boat engaged in the whale industry or hunting whales within the waters of Hudson bay, or the territorial waters of Canada north of the fifty-fifth parallel of north latitude, if not so engaged or hunting in connection with a factory established in Canada, shall be fifty dollars for each year; and, inasmuch as Hudson bay is wholly territorial water of Canada the requirements of this section as to licensing, and as to the fee payable therefor, shall apply to every vessel or boat engaged in the whale fishery or hunting whales in any part of the waters of Hudson bay, whether such vessel or boat belongs to Canada, or is registered and outfitted in, or

Licences for whaling in Hudson Bay and northern waters.

Section 8. This section is based upon section 3 of chapter 42 of the Statutes of 1929, which it amends. That section provided that the Minister might cancel a licence only after it had been ascertained by the report of a commissioner appointed under the Inquiries Act that the law had been broken. The section was adopted in 1929, and this provision was added when it was before the House. It is unworkable. The main object of licensing those who engage in any fishery is to enable proper control, and one of the most effective ways of exercising that control is by the Minister being in a position to cancel a licence if a licensee will not comply with the law. The existing section reads as follows:—

"8A. The Minister may cancel any licence issued under the authority of this Act, if it has been ascertained by the report of a commissioner appointed under the provisions of the *Inquiries Act*, chapter ninety-nine of the Revised Statutes of Canada, 1927, that the operations under such licence are not conducted in conformity with law."

Section 9. Subsection 1 of section 9 of the existing Act provides for the licensing of whale factories as well as of vessels or boats employed in whaling. As the former provision is *ultra vires*, it is being dropped. The existing subsection reads as follows:—

"9. No one shall at any time engage in the manufacture of oil or other commercial product from whales, and no vessel or boat shall be employed in the whale fishery, except under licence from the Minister."

Subsections 2, 3, 4, 5 and 6 of section 9 dealt with the conditions under which whale factories were licensed. These are now being dropped as the licensing of factories by the Federal Government is *ultra vires*. Subsections 7, 8, 9 and 10 are reenacted in this Bill as subsections 2, 3, 4 and 5.

commences her voyage from any other British country or from any foreign country. R.S., c. 73, s. 9 (10).

SEAL FISHING

Sedentary seal fisheries not to be disturbed.

**10.** (1) No one shall with boat or vessel or in any other way during the time of fishing for seals, knowingly or wilfully disturb, impede or injure any sedentary seal fishery, or prevent, or impede the shoals of seals from coming into such fishery or knowingly or wilfully frighten such shoals.

Disputes as to seal fisheries how settled.

(2) Disputes between occupiers of seal fisheries concerning limits and the mode of fishing or setting nets, shall be decided summarily by any fishery officer or justice of the peace, by whom arbitrators may be appointed to assess damages; and any damages assessed or which arises out of a repetition or continuance of the difficulty ordered to be remedied, may be levied under the warrant of any fishery officer or justice of the peace. R.S., c. 73, s. 12.

SALMON FISHING.

Fry, parr or smolt not to be killed.

**11.** Salmon fry, parr and smolt shall not at any time be fished for, caught or killed, and no salmon or grilse of less weight than three pounds shall be caught or killed, otherwise than by angling with hook and line. R.S., c. 73, s. 13, am.

Use of nets regulated.

**12.** The use of nets, weirs or other apparatus of a like nature for the capture of salmon shall be confined to tidal waters and, where not otherwise specified by law, any fishery officer may determine the length and place of each net or other apparatus used in any of the waters of Canada. R.S., c. 73, s. 14, am.

Distance of nets apart.

**13.** All sedentary nets, or other sedentary appliances for the capture of salmon, shall be placed at distances of not less than two hundred and fifty yards apart, without intermediate fishing nets or appliances of any kind being set or used. R.S., c. 73, s. 15, am.

Space between nets and dimensions of nets.

**14.** Any fishery officer may direct, either in writing or orally on sight, that a greater space than two hundred and fifty yards shall be left between salmon nets or other fishing apparatus. R.S., c. 73, s. 17, am.

Section **10.** This is the same as section 12 of the existing Act.

Section **11.** The only change is to leave out a portion of the existing section which provides that no penalty shall attach if salmon fry, etc., are taken by accident and if they are liberated alive. This is covered by "lawful excuse" provided by section 18. Ths existing section reads as follows:—

"**13.** Salmon fry, parr and smolt shall not at any time be fished for, caught or killed, and no salmon or grilse of less weight than three pounds shall be caught or killed otherwise than by angling with hook and line; but no penalty shall attach if such fish are caught by accident in nets lawfully used for other fish, and if they are liberated alive, at the cost and risk of the owner of the fishery, on whom, in every case, the proof of such actual liberation shall devolve."

Section **12.** The only change is the addition of the words "where not otherwise specified by law". Most of our regulations specify the length of net that may be used in salmon fishing and manifestly where this is done the fishery officers should not have power to alter it. The existing section reads as follows:—

"**14.** The use of nets, weirs or other apparatus of a like nature for the capture of salmon shall be confined to tidal waters, and any fishery officer may determine the length and place of each net or other apparatus used in any of the waters of Canada.

2. No one shall fish or catch salmon with swing nets in any of the waters of Canada."

Subsection 2 of the existing section 14, which forms section 12 of the Revised Act, is omitted. It prohibits the use of swing nets for salmon fishing. None such are now being used and if they were, the matter could suitably be covered by regulation.

Section **13.** This section replaces section 15 of the existing law. The changes are,—

The word "sedentary" is added before the word "nets" and before the word "appliances". It was obviously never intended that the distance between sedentary nets should apply to drift-nets. It could not be enforced.

The words "in and about any other part of the stream" ars left out. They are confusing and seem to serve no useful purpose. The existing section reads as follows:—

"**15.** All nets, or other lawful appliances for the capture of salmon, shall be placed at distances of not less than two hundred and fifty yards apart, without intermediate fishing nets or appliances of any kind being set or used in and about any other part of the stream."

Section **14.** This section is the same as section 17 of the existing Act, except that the words after the word "apparatus", are left out, as they are covered by section 12 of the Bill. Section 17 reads as follows:—

"**17.** Any fishery officer may direct, either in writing or orally on sight, that a greater space than two hundred and fifty yards shall be left between salmon nets or other fishing apparatus and may prescribe the dimensions and extension or extensions of such nets and apparatus."

As to spawning rivers.

**15.** In the provinces of Nova Scotia, New Brunswick, Prince Edward Island and Quebec no salmon shall be fished for, caught or killed otherwise than by angling with hook and line, within two hundred yards of the mouth of any tributary of any creek or stream which salmon frequent to spawn. R.S., c. 73, s. 18, am.

LOBSTER FISHERIES.

Annual returns to Minister by owner or manager of lobster factory.

**16.** The owner or manager of every lobster factory or canning establishment shall by the date fixed by the Minister for that purpose, deliver to the fishery officer for the district on a form provided by the Minister a statement under oath showing,—

*(a)* the number of fishermen employed, and of the lobster traps used in connection with his factory or canning establishment;

*(b)* the number of persons employed in such factory or canning establishment, distinguishing the sexes;

*(c)* the number of cases of lobsters, and the weights thereof, packed during the legal lobster fishing season last concluded and ended;

*(d)* such other details and particulars as are required by the Minister. R.S., c. 73, s. 25.

Licences for lobster pounds.

**17.** (1) No one shall maintain a pound or enclosure in which lobsters, legally caught during the open season, shall be retained for sale during the close season at a place where the pound or enclosure is located, or for export therefrom, except under a licence from the Minister, and no lobsters shall be taken from any such pound or enclosure, and disposed of during the close season at the place where it is located, except under a certificate from a fishery officer or fishery guardian, setting forth the pound from which the lobsters were taken and that they had been legally caught during the open season.

Marking of pounds.

(2) Each such pound or enclosure shall be marked with the name of the licensee and the number of his licence. Such marking shall be in black on a white ground, and the letters and figures shall be at least six inches in height.

Fee.

(3) The annual fee for such licence shall be fixed by the Governor General in Council. 1929, c. 42, s. 4, am.

POSSESSION OF FISH

Possession or sale of fish prohibited.

**18.** No one, without lawful excuse, the proof whereof shall lie on him, shall fish for, buy, sell or have in his possession any fish, or portion of any fish, at a place where at that time fishing for such fish is prohibited by law. R.S., c. 73, 2. 29, am.

Section **15.** This section is the same as section 18 of the existing Act, with the exception that its application is restricted to the Atlantic Provinces. It was clearly intended so to apply and has never been enforced in British Columbia. Section 18 reads as follows:—

"**18.** No salmon shall be fished for, caught or killed otherwise than by angling with hook and line within two hundred yards of the mouth of any tributary of any creek or stream which salmon frequent to spawn."

Section **16.** This is the same as section 25 of the existing Act, except that the words "deliver to the fishery officer for the district" are substituted for the words "deliver to the inspector of fisheries for the district" in the third and fourth lines of the section.

Section **17.** Subsection 3. Section 28 of the existing Act as enacted by chapter 62 of the Statutes of 1929, provides a fee of $75 for a lobster pound licence. It is proposed that in future the fee be fixed as are other licence fees by the Governor in Council as conditions may arise from time to time which would warrant a modification in the fee. The section is not otherwise amended except by the insertion of the underlined words "or fishery guardian" in subsection 1. Subsection 3 reads as follows:—

"(3). The annual fee for such licence shall be seventy-five dollars."

Section **18.** This is the same as section 29 of the existing Act, with the exception of inserting the underlined words "at a place where at that time". These words clarify the meaning of the section, which is to provide a lawful excuse for the possession of fish at a place where fishing for that fish may not then be legally carried on. The existing section reads as follows :—

"**29.** No one, without lawful excuse, the proof whereof shall lie on him, shall fish for, buy, sell or have in his possession any fish, or portion of any fish, during a time when fishing for such fish is prohibited by law."

Seizure and confiscation of fish.

**19.** (1) Every customs officer, police officer or constable, clerk of a market or other person in charge of any market-place in any village, town or city, may seize and, upon view, confiscate to his own proper use, any fish caught or killed during prohibited seasons, or which appears to have been killed by unlawful means.

Report of seizures with particulars to fishery officer.

(2) Every such seizure and confiscation, with the date, place and circumstance thereof, shall together with the name, residence and calling of the person in whose possession such fish was found, be duly reported to the nearest fishery officer. R.S., c. 73, s. 30, am.

CONSTRUCTION OF FISHWAYS

Fishways to be made as fishery officer directs.

**20.** (1) Every slide, dam or other obstruction across or in any stream where the Minister determines it to be necessary for the public interest that a fish-pass should exist, shall be provided by the owner or occupier with a durable and efficient fishway, or canal around the slide, dam or other obstruction, which shall be maintained in a good and effective condition by said owner or occupier, in such place and of such form and capacity as will in the opinion of the Minister satisfactorily permit the free passage of fish through the same. If it be determined by the Minister in any case that the provision of an efficient fishway or canal around the slide, dam or other obstruction is not feasible, or that the spawning areas above such slide, dam or other obstruction are destroyed, the Minister may require the owner or occupier of such slide, dam or other obstruction to pay to him from time to time such sum or sums of money as he may require to construct, operate and maintain such complete fish hatchery establishment as will in his opinion meet the requirements for maintaining the annual return of migratory fish. R.S., c. 73, s. 31 (1), am.

Place, form, etc.

(2) The place, form and capacity of the fishway or canal to be constructed must be approved by the Minister before construction thereof is begun. Provided, however, that immediately after the fishway is completed and in operation the owner or occupier of any dam or obstruction shall make such changes and adjustments at his own cost as will in the opinion of the Minister be necessary for its efficient operation under actual working conditions, if such are found to be needed. R.S., c. 73, s. 31 (2), am.

To be kept open.

(3) The owner or occupier of every fishway or canal shall keep it open and unobstructed and shall keep it supplied with such sufficient quantity of water as the

Section **19.** This is the same as section 30 of the existing Act except that subsection 2 provides for reporting to the "nearest fishery officer" instead of "to the Department." The change is underlined in the text of the Bill.

Section **20.** This section replaces section 31 of the existing Act. There are important changes in it, which are underlined.

The authority for the building of dams is vested in the different provinces. Under the existing Act all we can do is to require a fishway after a dam has been built. Our greatest problem is in British Columbia where high dams are being, and are likely to be, established in rivers frequented by salmon. Some of these dams will be so high that no fishway therein would be effective, as even if the parent fish were enabled to ascend, the conditions above the dams would be so different that previous spawning grounds would be ruined and the young fish would be killed on trying to come down to sea.

Subsection 1 has added to it the provision that in instances where the Minister is of opinion that no fishway could be effective, in lieu thereof the owner or occupier of the dam will be required to bear the cost of establishing fish cultural facilities that will take care of the run of fish and also to provide an annual sum sufficient for their maintenance.

Subsection 2 differs from the existing similar subsection by requiring that the fishway to be established must be approved by the Minister before construction is begun, instead of requiring the Minister to provide the plans and specifications. In certain instances those proposing to build big dams are prepared to submit plans and specifications of fishways which their experts may design.

It provides further for slight modifications by the owner at his expense immediately following the construction of the fishway to make it efficient. It sometimes happens that conditions, which cannot be foreseen, make slight changes necessary, and these should be regarded as part of the construction.

Subsection 3 has an added proviso, which gives the Minister power to make the owner of a dam keep it tight enough to continue the fishway in an effective condition.

Minister considers necessary to enable the fish frequenting the waters in which such fishway or canal is placed to pass through the same during such times as are specified by any fishery officer. Also, where leaks in a dam cause a fishway therein to be inefficient, the Minister may require the owner or occupier of such dam to prevent such leaks therein. R.S., c. 73, s. 31 (3), am.

Minister may pay one-half of cost.

(4) The Minister may authorize the payment of one-half of the expense incurred by such owner or occupier in constructing and maintaining any fishway or canal; and after a fishway or canal which has been duly approved by the Minister has been built at the cost of the owner or occupier of any slide, dam or other obstruction, or after such owner or occupier has paid one-half the cost thereof and such fishway or canal thereafter proves to be ineffective, except as provided in subsection two of this section, the total cost of any change in such fishway or canal or any new fishway or canal required to enable the fish to pass by such slide, dam or other obstruction, shall be paid by His Majesty. R.S., c. 73, s. 31 (4), am.

May construct and recover the cost in certain cases.

(5) The Minister, in order to procure the construction of any fishway or canal, pending proceedings against any owner or occupier for the penalty imposed by this Act, may make and complete the same forthwith, and may authorize any person to enter upon the premises with the necessary workmen, means and materials for such purpose and may recover from the owner or occupier the whole expense so incurred by action in the name of His Majesty. R.S., c. 73, s. 31 (5).

May remove or destroy after notice.

(6) Where unused slides, dams, obstructions, or anything detrimental to fish exist, and the owner or occupier thereof does not after notice given by the Minister remove the same, or if the owner is not resident in Canada, or his exact place of residence is unknown to the Minister, the Minister may, without being liable to damages, or in any way to indemnify the said owner or occupier, cause said slide, dam, obstruction, or thing detrimental to fish life to be removed or destroyed and in cases where notice has been given to the owner or occupier, may recover from said owner or occupier the expense of so removing or destroying the same. R.S., c. 73, s. 31 (6).

Minister may require fish stops or diverters.

(7) The Minister may require the owner or occupier of any slide, dam or other obstruction to install and maintain such fish stops or diverters, both above and below any dam or obstruction as will in his opinion be adequate to prevent the destruction of fish and/or to assist in providing for their ascent. (New).

**Subsection 7 is new. It enables the Minister to require the owners of dams to equip them with appliances to prevent fish from going down through the turbines, and also to guide ascending fish to the entrances to the fishway.**

To provide water for the descent of fish.

(8) At every slide, dam or other obstruction, where the Minister determines it to be necessary the owner or occupier thereof shall, when required by the Minister, provide a sufficient flow of water over the spillway or crest, with connecting sluices into the river below to permit the safe and unimpeded descent of fish. (New).

To provide protection during construction.

(9) The owner or occupier of any slide, dam or other obstruction shall make such provision as the Minister determines to be necessary for the free passage of both ascending and descending migratory fish, during the period of construction thereof. (New).

Minister may require water for river bed below dam.

(10) The owner or occupier of any slide, dam or other obstruction shall permit to escape into the river bed below the said slide, dam or other obstruction, such quantity of water, at all times, as will, in the opinion of the Minister, be sufficient for the safety of fish and for the flooding of the spawning grounds to such depth as will, in the opinion of the Minister, be necessary for the safety of the ova deposited thereon. (New).

GENERAL PROHIBITIONS.

Fishing in limits leased to another prohibited.

**21.** No one shall fish for, take, catch or kill fish in any water, or along any beach, or within any fishery described in any lease or license, or place, use, draw or set therein any fishing gear or apparatus, except by permission of the occupant under such lease or licence for the time being, or shall disturb or injure any such fishery. R.S., c. 31, s. 32, am.

Seines, nets, etc., not to obstruct navigation.

**22.** Seines, nets or other fishing apparatus shall not be set or used in such manner or in such place as to obstruct the navigation of boats and vessels, and, no boats or vessels shall destroy or wantonly injure in any way seines, nets or other fishing apparatus lawfully set. R.S., c. 31, s. 33.

Stakes to be removed.

**23.** Every person using stakes, posts, buoys or other materials placed for fishing purposes in any water shall remove the same within forty-eight hours after ceasing to use them, and in all cases at the expiry of the fishing season. R.S., c. 73, s. 34.

Main channel not to be obstructed.

**24.** (1) One-third of the width of any river or stream, and not less than two-thirds of the width of the main channel at low tide, in every tidal stream shall be always left open, and no kind of net or other fishing apparatus,

Subsection 8 is also new and is designed to assure the safe descent of fish. The application of this would be needed only during the short times each year that the fish are going down.

Subsection 9 is also new. It merely provides that during the time a dam is being constructed, the stream will not be so blocked as to prevent the ascent of fish.

Subsection 10 is also new and is designed to take care of spawning areas immediately below certain dams.

It is realized that this legislation is drastic but with the development of water power that is taking place it is essential to have authority to take care of the fishways. Of course, discretion must be excercised in the administration of the law.

Section **21.** This section replaces section 32 of the existing Act. The only change is to leave out the final provision of the existing section, which provides for fishing for bait for cod fishing in areas that may be under lease.

When this section was originally adopted, the leasing of extensive areas to individuals for fishing purposes was contemplated. This is not now being done, and the proviso would serve no useful purpose.

The existing section reads as follows:—

"**32.** No one shall fish for, take, catch or kill fish in any water, or along any beach, or within any fishery described in any lease or licence, or place, use, draw or set therein any fishing gear or apparatus, except by permission of the occupant under such lease or licence for the time being, or shall disturb or injure any such fishery: Provided that the occupation of any fishery or waters leased or licensed for the express purpose of net fishing shall not interfere with the taking of bait used for cod-fishing or prevent angling for other purposes than those of trade and commerce."

Section **22.** This reenacts section 33 of the existing Act without change.

Section **23.** This reenacts section 34 of the existing Act without change.

Section **24.** This reenacts section 35 of the existing Act without change.

logs, or any material of any kind shall be used or placed therein.

Use of weirs for eel-catching prevented in certain cases.

(2) The use of weirs for catching eels exclusively, and the use of dams for catching eels, shall be prevented only in cases where, and at times when they injure other fisheries or, by completely barring any passage, they deprive other weirs of a share in the run of eels; and such place, time and circumstances may be determined by any fishery officer.

No net or device to prevent passage of fish.

(3) The Minister may authorize the placing and maintaining of barriers, screens, or other obstructions, in streams to prevent the escape of fish held for fish breeding purposes, or any other purpose which he deems in the public interest, and no person shall injure any such barrier, screen or other obstruction. R.S., c. 73, s. 35.

Killing fish when passing through fishways, etc., prohibited.

**25.** No one shall injure or obstruct any fishway or canal built, constructed or used to enable fish to pass over or around any slide, dam or other obstruction or do anything to stop, impede or hinder fish from entering or passing the same or to stop, impede or hinder fish from surmounting any obstacle or leap, nor shall any one fish in any manner within twenty-five yards downstream from the lower entrance to any fishway or canal, obstacle or leap. R.S., c. 73, s. 36, am.

Use of explosives prohibited.

**26.** No one shall hunt or kill fish or marine animals of any kind, other than porpoises, whales and walruses, by means of rockets, explosive materials, or explosive projectiles or shells. R.S., c. 73, s. 38.

Nets, weirs, etc., not to obstruct passage of fish.

**27.** No one shall erect, use or maintain in any of the waters of Canada whether subject to any exclusive right of fishery or not, any net, weir, or other device which unduly obstructs the passage of fish; and the Minister or any fishery officer may order the removal of or remove any net, weir, or other device which, in the opinion of the Minister or any fishery officer, unduly obstructs the passage of fish. R.S., c. 73, s. 41.

Fish guards only where Minister deems it necessary.

**28.** (1) In the provinces of British Columbia, Manitoba, Saskatchewan and Alberta, the Northwest Territories and the Yukon Territory, every ditch, channel or canal constructed or adapted for conducting water from any lake, river or stream, for irrigating, manufacturing, domestic or other purposes, shall if the Minister deems it necessary in the public interest, be provided at its entrance or intake with a fish guard or a metal or wire grating, covering or netting, so fixed as to prevent the passage of fish from any lake, river or stream into such ditch, channel or canal.

Section **25.** This section replaces section 36 of the existing Act. The only change is the replacement of the word "of" in the second last line by the words "downstream from". The change is to make the meaning clearer.

Section **26.** This reenacts section 38 of the existing Act without change.

Section **27.** This reenacts section 41 of the existing Act, the only change being the omission of the words "fascine fishery" in the third and sixth lines. The existing section reads as follows:—

"**41.** No one shall erect, use or maintain in any of the waters of Canada whether subject to any exclusive right of fishery or not, any net, weir, fascine fishery or other device which unduly obstructs the passage of fish; and the Minister or any fishery officer may order the removal of or remove any net, weir, fascine fishery or other device which, in the opinion of the Minister or any fishery officer, unduly obstructs the passage of fish."

Section **28.** This section replaces section 42 of the existing Act. The first subsection is re-enacted without change. The second subsection specifies the meshes in guards at the entrance to irrigation ditches. These may not need to be the same in different areas, depending on the fish to be taken care of. Hence instead of providing a mesh of three-eighths of an inch in diameter, the new subsection leaves the decision with the Minister. In the third subsection the words "or occupier" are inserted in the first line after the words "The owner" at the beginning. The existing section reads as follows:—

"**42.** In the provinces of British Columbia, Manitoba, Saskatchewan and Alberta, the Northwest Territories and the Yukon Territory, every ditch, channel or canal constructed or adapted for conducting water from any lake, river or stream, for irrigating, manufacturing, domestic or other purposes, shall if the Minister deems it necessary in the public interest, be provided at its entrance or intake with a fish guard or a metal or wire grating, covering or netting, so fixed as to prevent the passage of fish from any lake, river or stream into such ditch, channel or canal.

Structure of fish guards.

(2) Such fish guards shall have meshes or holes of such dimensions as the Minister may prescribe, and shall be built and maintained by the owner or occupier of such ditch, channel or canal, subject to the approval of the Minister or of such officer as he may appoint to examine it.

Duty of owner to keep in repair.

(3) The owner or occupier of such ditch, channel or canal shall maintain such fish guard in a good and efficient state of repair, and shall not permit its removal except for renewal or repair, and during the time such renewal or repair is being effected the sluice or gate at the intake or entrance shall be closed, and the passage of fish into the ditch, channel or canal prevented. R.S., c. 73, s. 42, am.

Permit required to catch, trade in or export fish for manure.

**29.** No one shall catch, fish for, take, buy, sell, possess or export any fish for the purposes of converting it into fish meal, manure, guano, or fertilizer, or for the manufacture or conversion of such fish into oil, fish meal or manure or other fertilizing product, except under authority of the Minister; but the Minister may by notice published in the *Canada Gazette*, except any kind or kinds of fish from the operation of this section or any part of this section, and may at any time by a notice similarly published, withdraw such exception. R.S., c. 73, s. 43.

Eggs and fry not to be destroyed.

**30.** The eggs or fry of fish on the spawning grounds, shall not at any time be destroyed. R.S., c. 73, s. 39, am.

Fish not to be caught outside territorial waters when catching is forbidden in such waters.

**31.** No one shall leave any port or place in Canada to fish outside the territorial waters of Canada for fish the catching of which is at such time prohibited in the territorial waters of Canada opposite to or nearest the place where such person proposes to fish, and no one shall bring into Canada any fish caught outside the territorial waters of Canada when fishing for such fish is prohibited inside the territorial waters of Canada opposite or nearest to the place where such fish was caught, or shall bring into Canada any vessels, boats, nets, fishing gear, implements or appliances used in such fishing. R.S., c. 73, ss. 44, 69, am.

2. Such fish guards shall have meshes or holes not more than three-eighths of an inch in diameter, and shall be built and maintained by the owner of such ditch, channel or canal, subject to the approval of the Minister or of such officer as he may appoint to examine it.

3. The owner of such ditch, channel or canal shall maintain such fish guard in a good and efficient state of repair, and shall not permit its removal except for renewal or repair, and during the time such renewal or repair is being effected the sluice or gate at the intake or entrance shall be closed, and the passage of fish into the ditch, channel or canal prevented."

Section **29.** This reenacts section 43 of the existing Act without change.

Section **30.** This section replaces section 39 of the existing Act and makes the intention clearer. It was evidently intended to prevent the destruction of fish and fry on the spawning areas. The new section includes eggs on these areas as well. The existing section reads as follows:—

"**39.** The fry of food fishes shall not be at any time destroyed."

Section **31.** This section replaces sections 44 and 69 of the existing Act. It leaves out subsections 2 and 3 of the existing section 44, the former of which provided that subsection 1 would not become effective until similar legislation had been adopted by the United States, and the latter reserving application to United States fishing vessels operating under treaty privileges.

Section 69 makes it an offence for lobster or salmon fishermen to leave the shore to fish outside territorial waters during the close time inside, without a licence. This does not go far enough. For instance, there is a weekly close time for salmon fishing. If a licensed fisherman proceeds outside the three mile limit during this weekly close time we cannot deal with him under section 69. The proposed section will cover all requirements.

The existing sections 44 and 69 read as follows:—

"**44.** No one shall leave any port or place in Canada to fish outside the territorial waters of Canada for fish the catching of which is at such time prohibited in the territorial waters of Canada opposite to or nearest the place where such person proposes to fish, and no one shall bring into Canada any fish caught outside the territorial waters of Canada when fishing such fish is prohibited inside the territorial waters of Canada opposite or nearest to the place where such fish was caught, or shall bring into Canada any vessels, boats, nets, fishing gear, implements or appliances used in such fishing.

(2) This section shall not go into operation until the United States of America prohibits her citizens, boats and vessels from bringing into the said United States lobsters caught outside and near the territorial waters of Canada during any period when Canadian fishermen are forbidden to catch lobsters in such territorial waters.

(3) Nothing in this section shall be construed as in any way limiting, restricting, revoking or annulling any right granted to the citizens of any foreign nation by any treaty or convention, and such citizens shall enjoy any such right as if this section had not been passed."

"**69.** Every person shall be guilty of an offence, and shall incur therefor a penalty of not less than twenty-five dollars and of not more than one thousand dollars, recoverable with costs upon summary conviction, who at any time, except under licence from the Minister.

*(a)* with intent to fish for salmon or lobsters or to cause any other person to fish for salmon or lobsters in the sea beyond the territorial waters of Canada, leaves or departs from any port or place in Canada or causes any other person to leave or depart from any port or place in Canada for the purpose of such fishing; or

*(b)* knowingly brings into Canada any salmon or lobsters taken or caught in the sea beyond the territorial waters of Canada, or any vessel, boat, gear or equipment used either in the taking or catching thereof or for the purpose of taking or catching salmon or lobsters in the sea beyond the territorial waters of Canada, if the leaving or departure from Canada to fish therefor or therewith constituted an offence under this section and moreover the salmon, lobsters, vessel, boat, gear or equipment so brought in shall be confiscated to His Majesty for violation of this Act in manner hereinafter provided.

2. Failure to produce a licence issued pursuant to the provisions of this Act, or any regulation made hereunder, shall be deemed *prima facie* evidence of intent or knowledge, when intent or knowledge is necessary to constitute an offence under this section."

INJURY TO FISHING GROUNDS AND POLLUTION OF WATERS.

Throwing overboard of certain substances prohibited.

**32.** (1) No one shall throw overboard ballast, coal ashes, stones, or other prejudicial or deleterious substances in any river, harbour or roadstead, or in any water where fishing is carried on, or leave or deposit or cause to be thrown, left or deposited, upon the shore, beach or bank of any water or upon the beach between high and low water mark, remains or offal of fish, or of marine animals, or leave decayed or decaying fish in any net or other fishing apparatus. Such remains or offal may be buried ashore, above high water mark. R.S., c. 73, s. 45 (1), am.

Offal may be buried ashore, etc.

Lime, etc., prohibited.

(2) No person shall cause or knowingly permit to pass into, or put or knowingly permit to be put, lime, chemical substances or drugs, poisonous matter, dead or decaying fish, or remnants thereof, mill rubbish or sawdust or any other deleterious substance or thing, whether the same is of a like character to the substances named in this section or not, in any water frequented by fish, or that flows into such water, nor on ice over either such waters. R.S., c. 73, s. 45 (2) am.

Slash, stumps, etc., prohibited.

(3) No person engaging in logging, lumbering, land clearing or other operations, shall put or knowingly permit to be put, any slash, stumps or other debris into any water frequented by fish or that flows into such water, or on the ice over either such water, or at a place from which it is likely to be carried into either such water. (New.)

REGULATIONS.

Governor in Council may make fishery regulations.

**33.** (1) The Governor in Council may make regulations,—

*(a)* to prevent or remedy the obstruction and pollution of streams;

*(b)* to regulate and prevent fishing;

*(c)* to prohibit the destruction of fish or eggs of fish;

*(d)* to forbid fishing except under authority of leases or licences;

*(e)* prescribing the time when and the manner in which fish may be fished for and caught;

*(f)* to prohibit the export of any fish or any portion of any fish from Canada or the taking or carrying of fish or any portion of any fish from any one province of Canada to any other province thereof;

*(g)* to prescribe the size or sizes of containers in which oysters may be shipped or taken from any province in Canada, and how such containers shall be marked;

*(h)* to provide for the grading and inspection of oysters;

Section **32.** This section replaces section 45 of the existing Act and is not changed in its intention. The existing section prohibits throwing overboard fish offal on any fisbing bank or fishing ground. It is common practice of the deep-sea fishermen to clean their fish on the fishing grounds. Hence this provision is being dropped.

The existing section also prohibits depositing offal inside of a tidal estuary or within two hundred yards of the mouth of any salmon river. This is an old provision and did not contemplate our salmon canning conditions on the Pacific coast which have devcloped since it was adopted. Most of the salmon canneries are inside estuaries, though the offal is removed from the canneries, but in some instances is deposited in the deep waters of the estuaries. Hence this prohibition is being dropped.

There is, however, being added to subsection 2 the prohibition of depositing refuse into waters that may not themselves be frequented by fish but that flow into waters that are, and also on the ice over waters in which it is illegal to deposit waste.

Subsection 3 is new. Experience has shown the need for it in British Columbia. Lumbering and land-clearing operations result in the blocking of streams unless proper care is taken. This new subsection is to enable this to be prevented.

The existing section reads as follows:—

"**45.** No one shall throw overboard ballast, coal ashes, stones, or other prejudicial or deleterious substances in any river, harbour or roadstead or any water where fishing is carried on, or throw overboard or let fall upon any fishing bank or ground, or leave or deposit or cause to be thrown, left or deposited, upon the shore, beach or bank of any water or upon the beach between high and low water mark, inside of any tidal estuary, or within two hundred yards of the mouth of any salmon river, remains or offal of fish, or of marine animals, or leave decayed or decaying fish in any net or other fishing apparatus.

2. Such remains or offal may be buried ashore, above high water mark, and at establishments situated inside the mouths of rivers for carrying on deep-sea fisheries, the same may be dropped into perforated boxes or inclosures built upon the beach, or under stage-heads, in such manner as to prevent the same from being floated or drifted into the stream, or may be disposed of in such manner as any fishery officer prescribes.

3. No person shall cause or knowingly permit to pass into, or put or knowingly permit to be put, lime, chemical substances or drugs, poisonous matter, dead or decaying fish, or remnants thereof, mill rubbish or sawdust or any other deleterious substance or thing, whether the same is of a like character to the substances named in this section or not, in any water frequented by fish."

Section **33.** This replaces section 46 of the existing Act, which gives the Governor in Council power to make regulations. The paragraphs are re-lettered. Paragraph *(a)* of the Act becomes paragraph *(j)* in the Bill, and is underlined to show the amendment. The words "or eggs of fish" are added to paragraph *(c)*. The need for this may at any time arise. The proviso in subsection 2 is omitted.

The existing section reads as follows:—

"**46.** The Governor in Council may make regulations

*(a)* for the better management and regulations of the seacoast and inland fisheries;

*(b)* to prevent or remedy the obstruction and pollution of streams;

*(c)* to regulate and prevent fishing;

*(d)* to prohibit the destruction of fish;

*(e)* to forbid fishing under authority of leases or licences;

*(f)* prescribing the time when and the manner in which fish may be fished for and caught;

*(g)* to prohibit the export or sale of any fish or any portion of any fish from Canada or the taking or carrying of fish or any portion of any fish from any one province of Canada to any other province thereof.

*(h)* To prescribe the size or sizes of containers in which oysters may be sold, and how such containers shall be marked.

*(i)* to prescribe how incorrectly marked containers of oysters shall be re-marked and dealt with;

And without restricting the foregoing provisions of this section,—

*(j)* generally as may be necessary for the proper management and regulation of the sea-coast and inland fisheries.

Publication.

(2) Such regulations shall take effect from the date of the publication thereof in the *Canada Gazette* or from the date specified for such purpose in such regulations, and such regulations shall have the same force and effect as if enacted herein, notwithstanding that such regulations extend, vary or alter any of the provisions of this Act respecting the places or modes of fishing.

Offences against regulations.

(3) Every offence against any regulation made under this Act my be stated as in violation of this Act. R.S., c. 73, s. 46, am.; 1929, c. 42, ss. 5 and 6.

POWERS OF FISHERY OFFICERS AND OTHER JUSTICES

Fishery officer may convict on view.

**34.** Any fishery officer or justice of the peace may, on view, convict any person committing any of the offences punishable under the provisions of this Act, or under any regulations made hereunder, and may remove and detain any fish unlawfully caught and any boat, vessel, fishing apparatus or other materials used in committing any offence or in connection therewith, or which such fishery officer or justice of the peace has reason to believe was so used. R.S., c. 73, s. 47.

Search may be made or authorized under warrant.

**35.** Any fishery officer or justice of the peace may search, break open and search, or grant a warrant to search, any house, vessel or place where he has reason to believe that any fish taken in violation of this Act, or of any regulation made hereunder, or anything used in violation thereof, is concealed. R.S., c. 73, s. 48.

Arrest.

**36.** Any fishery officer, fishery guardian or peace officer may arrest without warrant a person whom he, on reasonable and probable grounds, believes to have committed an offence against this Act, or any regulation made thereunder or whom he finds committing or preparing to commit an offence against this Act or any such regulation. R.S., c. 73, s. 49.

In what locality offence may be prosecuted.

**37.** If any offence under this Act is committed in, upon or near any waters forming the boundary between different counties or districts, or fishery districts, such offence may be prosecuted before any justice of the peace in either of such counties or districts, or before any fishery officer for either fishery district. R.S., c. 73, s. 50.

*(i)* To provide for the grading and inspection of oysters.

*(j)* To prescribe how incorrectly marked containers of oysters shall be re-marked and dealt with."

(2) Such regulations shall take effect from the date of the publication thereof in the *Canada Gazette* or from the date specified for such purpose in such regulations, and such regulations shall have the same force and effect as if enacted herein, not withstanding that such regulations extend, vary or alter any of the provisions of this Act respecting the places or modes of fishing: Provided that any regulation made under the provisions of paragraph *(g)* shall take effect at the expiration of six months from the date of its publication in the *Canada Gazette*.

(3) Every offence against any regulation made under this Act may be stated as in violation of this Act."

**Sections 34 to 49.** These sections are the same as sections 47 to 62, both inclusive, of the existing Act.

Interfering with officer in discharge of his duty.

**38.** Every one who resists or wilfully obstructs any fishery officer or fishery guardian in the execution of his duty, or any person acting in aid of such officer or guardian, is guilty of an offence punishable on indictment, or on summary conviction, and liable if convicted on indictment to a term not exceeding two years' imprisonment, and on summary conviction to a term not exceeding six months' imprisonment with hard labour or to a fine of one hundred dollars. R.S., c. 73, s. 51.

Entry by fishery officer.

**39.** In the discharge of his duties any fishery officer, fishery guardian or other person or persons accompanying him or authorized to such effect by the fishery officer, may enter upon and pass through or over private property without being liable for trespass. R.S., c. 73, s. 52.

Disputes how settled.

**40.** Disputes between persons relative to fishing limits or claims to fishery stations, or relative to the position and use of nets and other fishing apparatus, shall be settled by the local fishery officer. R.S., c. 73, s. 53.

Distances between fisheries.

**41.** Fishery officers may determine or prescribe the distance between each and every fishery and shall forthwith remove any fishing apparatus or materials which the owner neglects or refuses to remove; and such owner shall be moreover liable for a violation of this Act, and for the cost of removing such apparatus and materials and any damages that may result therefrom. R.S., c. 73, s. 54.

Boundaries of estuary fishing.

**42.** The Minister, or any fishery officer duly authorized by the Minister, shall have power to define the boundaries of tidal waters and estuaries and to designate what is the mouth of any river, stream or other water for the purposes of this Act. R.S., c. 73, s. 55.

Gurry grounds.

**43.** Gurry grounds may be designated or defined by any fishery officer. R.S., c. 73, s. 56.

Certain officers to have powers of a justice of the peace.

**44.** Any fishery officer, stipendiary magistrate, or commissioned officer of His Majesty's navy, on board of any vessel belonging to or chartered by the Government of Canada, employed in the service of protecting the fisheries, and every commissioned officer of His Majesty's navy serving on board of any vessel cruising and being in the waters, harbours or ports of Canada, shall, for the purpose of affording protection to His Majesty's subjects engaged in the fisheries, and of enforcing any laws relating to such fisheries, have and exercise the powers of a justice of the peace, without property qualification, and without taking any oath of office, in all the waters, where for the time

being and for the purposes above described, they are so engaged. R.S., c. 73, s. 57.

Property seized, how dealt with.

**45.** Property seized by any fishery officer, stipendiary magistrate, or naval officer, acting as aforesaid, may be removed for disposal to the nearest or most convenient port or place where any revenue officer or other public officer empowered to deal with the matter resides. R.S., c. 73, s. 58.

Powers of officers, etc., as to detention of prisoners.

**46.** (1) Whenever it is impracticable for any fishery officer, stipendiary magistrate or naval officer, acting in such capacity, to cause any prisoner to be conveyed to, and committed to the nearest common gaol, he may detain him on board of the vessel, or transfer him to another vessel for conveyance to and delivery at the most convenient place, and with all convenient despatch, where he can be duly committed into the custody of the sheriff or other officer of the county or district in which the common gaol is situated to which he is ordered to be committed.

Conveyance of prisoners.

(2) Until such prisoner is so delivered into the immediate custody of any sheriff or gaoler the fishery officer, stipendiary magistrate or naval officer having him in charge, shall have, in all places through which it is necessary to convey such prisoner the same authority and power in regard to such prisoner, and to command the aid of any of His Majesty's subjects in preventing his escape, or in retaking him in case of escape, as any county or district sheriff or peace officer has while lawfully conveying a prisoner from one part of his own district to another.

Where the offence shall be held to have been committed.

(3) Every such offence shall be deemed to have been committed in the county or district to the common gaol of which the commitment has been actually made. R.S., c. 73, s. 59.

GENERAL.

Lease of waters for propagation of fish.

**47.** The Minister may authorize to be set apart any river or other water for the natural or artificial propagation of fish. R.S., c. 73, s. 60.

Special licences for oyster beds.

**48.** Special licences and leaess for any term of years may be granted to any person who wishes to plant or form oyster beds in any of the bays, inlets, harbours, creeks or rivers, or between any of the islands on the coast of Canada; and the holder of any such lease or licence shall have the exclusive right to the oysters produced or found on the beds within the limits of such lease or licence. R.S., c. 73, s. 61.

Authority to provinces to grant leases for oyster cultivation.

**49.** (1) The Governor in Council may, upon such terms and conditions as are agreed upon, authorize the government of any province to grant leases of such areas of the

seacoast, bays, inlets, harbours, creeks, rivers and estuaries of such province as the government of such province considers suitable for the cultivation and production of oysters, and any persons to whom such leases are granted by such province, shall, subject to the fishery regulations of Canada, have the exclusive right to the oysters produced or found on the beds within the limits of their respective leases.

Dominion rights preserved.

(2) In the event of such areas, or any part thereof, being in a public harbour, nothing in this section shall prejudice the right or title of the Dominion to the enjoyment and use of such harbour for every purpose other than the cultivation and production of oysters. R.S., c. 73, s. 62.

As to right to use vacant public property for fishing purposes.

**50.** (1) Every subject of His Majesty may use vacant public property, such as by law is common and accessory to public rights of fishery and navigation for the purpose of landing, salting, curing and drying fish, and may cut wood thereon for such purposes, and no other person shall occupy the same station unless it has been abandoned by the first occupant for twelve consecutive months; and at the expiration of that period any new occupier shall pay the value of the flakes and stages and other property thereon, of which he takes possession, or the buildings and improvements may be removed by the original owner.

(2) No property leased or licensed shall be deemed vacant. R.S., c. 73, s. 63, am.

Name of "dogfish" changed to "grayfish."

**51.** The name "dogfish", the vernacular name for squalis, is hereby changed to "grayfish", and in any regulation hereafter made under the provisions of this Act the name "grayfish" shall mean the squalis. R.S., c. 73, s. 64.

Returns of quantity of fish caught, etc., etc.

**52.** The owner or manager of every fish curing or canning establishment or fresh fish business, and the captain or owner of every fishing vessel, and the owner of every fishing boat, fishing trap, weir or other fishing instrument in Canada, shall, at the request of the Minister or a fishery officer, furnish a true return, covering the period specified by the Minister or such fishery officer, containing the whole or any one or more of the following particulars:—

*(a)* All fish caught;

*(b)* All fish bought;

*(c)* All fish packed or canned;

*(d)* The value of the fish caught, bought, packed or canned;

*(e)* The number of fishermen employed and their nationality;

*(f)* The number of shore workers employed;

Section **50.** This section replaces section 63 of the existing Act, excepting that subsection 2 of the existing Act, which provides that any British subject may take bait or fish in any of the harbours or other waters of Canada subject to regulation, is dropped, as obviously bait or any other fish may be taken in accordance with the regulations. Section 63 of the existing Act reads as follows:—

"**63.** Every subject of His Majesty may use vacant public property, such as by law is common and accessory to public rights of fishery and navigation, for the purpose of landing, salting, curing and drying fish, and may cut wood thereon for such purposes, and no other person shall occupy the same station unless it has been abandoned by the first occupant for twelve consecutive months; and at the expiration of that period any new occupier shall pay the value of the flakes and stages and other property thereon, of which he takes possession, or the buildings and improvements may be removed by the original owner.

2. All subjects of His Majesty may take bait or fish in any harbours or roadsteads, creeks or rivers, subject to the provisions of this Act respecting the leasing or licensing of fisheries and fishing stations.

3. No property leased or licensed shall be deemed vacant."

Sections **51** to **53.** These sections, both inclusive, are the same as sections 64 to 66 of the existing Act.

*(g)* The number and value of the fishing vessels and boats employed;

*(h)* The quantity and value of fishing gear used;

*(i)* The number and value of buildings and fixtures used;

*(j)* Such other details and particulars as may be required by the Minister or such fishery officer. R.S., c. 73, s. 65.

PROTECTION OF FISHERMEN.

Boats to be provided with necessaries for their crew, when on fishing cruises.

**53.** (1) No dory, flat or other boat whatsoever shall set out from any vessel engaged in deep-sea or bank fishing or be launched therefrom for the purpose of fishing with hooks and lines, trawls or other similar appliances, or with intent that the same shall be used in so fishing, or for the purpose of examining trawls, set lines or other similar appliances for fishing, unless there is placed in such boat, to be retained therein during absence from such vessel, a mariner's compass, nor unless there is placed in such boat at least two quarts of drinking water and two pounds of solid food for each man of the crew of such boat.

Compass, fog-horn, etc.

(2) The owner of such vessel shall supply her at the commencement of her voyage with as many serviceable mariner's compasses, as she carries boats, in addition to the vessel's compass and also with the necessary utensils for holding water and with a serviceable fog-horn or trumpet.

No clearance without certificate of equipment.

(3) No collector or other customs officer shall grant a clearance to such vessel or allow her to go to sea unless the master thereof has a certificate from a fishery officer or other person authorized by the Minister to give such certificates that the vessel is properly equipped with a mariner's compass and suitable utensils for holding water for each boat carried by her and with a serviceable fog-horn or trumpet. R.S., c. 73, s. 66.

OFFENCES AND PENALTIES.

Whaling without licence.

**54.** Every one shall incur a penalty of not less than three hundred dollars and costs, and not more than one thousand dollars and costs, who at any time, except under licence from the Minister employs any vessel or boat in the whale fishery. R.S., c. 73, s. 67, am.

Failure to send returns to Minister.

**55.** Every owner or manager or a lobster factory or canning establishment who neglects by the date fixed by the Minister for that purpose, to send to or furnish the fishery officer for the district on the form prescribed by the Minister a statement under oath, showing,

Section **54.** This section replaces section 67 of the existing Act. Paragraph *(a)* of that section, which provided a penalty for anyone who engages in the manufacture from whales of oil or other commercial product, is omitted as being *ultra vires*. See note to section 9. The existing section reads as follows:—

"**67.** Every one shall incur a penalty of not less than three hundred dollars and costs, and not more than one thousand dollars and costs, who at any time, except under licence from the Minister

*(a)* engages in the manufacture from whales of oil or other commercial product; or

*(b)* employes any vessel or boat in the whale fishery."

Section **55.** This is the same as section 68 of the existing Act.

*(a)* the number of fishermen employed, and of the lobster traps used in connection with his factory or canning establishment;

*(b)* the number of persons employed in such factory or canning establishment, distinguishing the sexes;

*(c)* the number of cases of lobsters, and the weights thereof, packed during the legal lobster fishing season last concluded and ended; and

*(d)* such other details and particulars as are required by the Minister;

Penalty. shall be liable to a penalty of not less than one hundred dollars and costs, and not more than four hundred dollars and costs. R.S., c. 73, s. 68.

Penalty for using trawls.

**56.** (1) Every person shall be guilty of an offence, and shall incur therefor a penalty of not less than one hundred dollars and not more than two thousand dollars, recoverable with costs upon summary conviction, who at any time, except under licence from the Minister,—

Departure from Canadian port.

*(a)* with intent to fish or to cause any other person to fish with a vessel that uses an "otter" or other trawl of a similar nature for catching fish in the sea, leaves or departs from any port or place in Canada for the purpose of such fishing; or

Bringing in fish caught beyond territorial waters.

*(b)* knowingly brings into Canada any fish taken or caught in the sea beyond the territorial waters of Canada with any vessel that uses an "otter" or other trawl of a similar nature, or any vessel that uses an "otter" or other trawl of a similar nature for catching fish in the sea beyond the territorial waters of Canada, if the leaving or departure from Canada of such vessel constituted an offence under this section, and moreover the fish or vessel so brought in shall be confiscated to His Majesty for violation of this Act, in the manner provided by section sixty-four of this Act.

Vessels to be registered.

(2) No such vessel shall carry on fishing operations from or to any Canadian port or ports, unless such vessel is registered as a British ship in Canada and is owned by a Canadian or by a body corporate incorporated under the laws of the Dominion of Canada or of one of the provinces thereof, and having its principal place of business in Canada.

Fishing restricted to 12 mile limit.

(3) No such vessel shall carry on fishing operations from or to any Canadian port or ports, unless its restricts its fishing operations to waters that are at least twelve miles distant from the nearest shore on the Atlantic seacoast of Canada. The proof that such fishing operations are so restricted shall at all times lie on the captain of the vessel:

Exception. Provided that this subsection shall not apply to small draggers operated by inshore fishermen if exempted from

Section 56. This is the same as section 7 of chapter 42 of the statutes of 1929.

the provisions of this subsection by special permit which the Minister is hereby authorized to issue for that purpose.

Licenses.

(4) The Minister may determine the number of such vessels that shall be eligible to be licensed.

Regulations.

(5) Regulations may be made under the provisions of section thirty-three of this Act,—

*(a)* prescribing the form of licence;

*(b)* specifying the evidence to be submitted with an application for a licence;

*(c)* fixing the conditions under which a licence shall be issued;

*(d)* making any other provisions respecting licences.

Burden of proof.

(6) The burden of proving absence of intent or knowledge, when intent or knowledge is necessary to constitute an offence under this section, shall lie upon the person accused, and intent or knowledge shall be presumed unless negatived by proof. 1929, c. 42, s. 7, am.

**57.** Every owner or occupier of a slide, dam or other obstruction across or in any stream,—

Refusal or neglect of dam owner, etc., to provide fishway.

*(a)* Where the Minister determines it to be necessary for the public interest that a canal around a dam or a fish-pass therein, should exist, who, after three days' notice in writing, neglects or refuses to provide a durable and efficient fishway or canal, or who neglects or refuses to maintain the same in a good and effective condition in such place and of such form and capacity as will admit of the passage of fish;

*(b)* Where the Minister determines that the provision of an efficient fishway or canal around the slide, dam or other obstruction is not feasible, or that the spawning areas above such slide, dam or other obstruction are destroyed, who after thirty days' notice in writing, neglects or refuses to pay the Minister such sum or sums of money as he may require to construct, operate and maintain such complete hatchery establishment as will in the opinion of the Minister meet the requirements for maintaining the annual return of migratory fish;

*(c)* Where the Minister requires the installation and maintenance of such fish stops or diverters as will in his opinion be adequate to prevent the destruction of fish and to assist in providing for their ascent who after three days' notice in writing, neglects or refuses to provide the same;

*(d)* Where the Minister determines it to be necessary to provide a sufficient flow of water over the spillway or crest, with connecting sluices into the river below,

Section 57. This replaces section 73 of the existing Act, and is re-drafted to enforce more adequate provision for fishways, fish hatcheries, fish stops or diverters. See note to section 20. Section 73 reads as follows:—

"73. Every owner or occupier of a slide, dam or other obstruction across or in any stream where the Minister determines it to be necessary for the public interest that a canal around a dam or a fish-pass therein, should exist, who, after three days' notice in writing, neglects or refuses to provide a durable and efficient fish-way or canal, or who neglects or refuses to maintain the same in a good and effective condition in such place and of such form and capacity as will admit of the passage of fish, shall be liable to a penalty of not less than four dollars and not more than twenty dollars for each day during which any such slide, dam or other obstruction to the stream remains unprovided with such canal or fish-way, or during which such canal or fish-way is not maintained in a good and effective condition."

to permit the safe and unimpeded descent of fish, who after three days' notice in writing, neglects or refuses to provide such

Penalty.

shall be liable to a penalty of not less than four dollars and not more than twenty dollars for each day or part of a day during which such notice is not complied with. R.S., c. 73, s. 73, am.

Use of rockets or explosives.

**58.** Every person who hunts or kills fish or marine animals of any kind, other than porpoises, whales or walruses, by means of rockets, explosive materials or explosive projectiles or shells, shall be liable to a penalty of not less than one hundred dollars and costs, or to imprisonment for not less than three months, or both, and not more than five hundred dollars and costs or to imprisonment for six months or both. R.S., c. 73, s. 75.

Penalty.

Neglect or refusal to provide and maintain fishguards.

**59.** In the provinces of British Columbia, Manitoba, Saskatchewan and Alberta, and in the Northwest Territories and the Yukon Territory every owner of a ditch, channel or canal constructed or adapted for conducting water from any lake, river or stream for irrigating, manufacturing, domestic or other purposes, who

*(a)* neglects or refuses to provide and maintain in a good and sufficient state of repair at its entrance or intake a fishguard or a metal or wire grating, covering or netting with meshes of such dimensions as the Minister may prescribe, approved by the Minister or such officer as he from time to time appoints to examine it, and so fixed as to prevent the passage of fish from any lake, river or stream into such ditch, channel or canal; or

*(b)* permits the removal of such fishguard, grating or netting, except for renewal or repair; or

*(c)* during the time such renewal or repair is being effected, neglects or refuses to close the sluice or gate at the intake or entrance of such ditch, channel or canal, so as to prevent the passage of fish into such ditch, channel or canal;

Penalty.

shall, after three days' notice in writing from the Minister, or from a fishery officer, be liable to a penalty of not less than four dollars and not more than twenty dollars for each day or part of a day during which such ditch, channel or canal remains unprovided with such duly approved, and properly maintained netting, grating or fishguard or closed as the case may be. R.S., c. 73, s. 76.

Throwing overboard prohibited substances.

**60.** Every one who, contrary to the provisions of this Act throws overboard ballast, coal ashes, stones or other prejudical or deleterious substances in any river, harbour or roadstead or any water where fishing is carried on, or

Sections **58** and **59**. These are the same as sections seventy-five and seventy-six of the existing Act, except that in paragraph (*a*) of section seventy-six the underlined words are inserted in place of the words "not more than three-eights of an inch in diameter."

Section **60**. This is section 77 of the existing Act, amended to comport with section 32 of this Bill. See note to section 32.

leaves or deposits or causes to be thrown, left or deposited, upon the shore, beach or bank of any water, or upon the beach between high and low water mark, remains or offal of fish or of marine animals, or leaves decayed or decaying fish in any net or other fishing apparatus, shall be liable, for each offence, to a penalty not less than twenty dollars and costs and not more than one hundred dollars and costs, or to imprisonment for a term not exceeding two months; and every one so offending, whether master or servant, and the master or owner of any vessel or boat from which such ballast or offal, or other prejudicial substance is thrown, shall be liable to penalty and imprisonment as aforesaid for each offence. R.S., c. 73, s. 77.

Penalty.

Depositing lime, etc., in water frequented by fish.

**61.** Every person who causes or knowingly permits to pass into, or puts or knowingly permits to be put, lime, chemical substances or drugs, poisonous matter, dead or decaying fish, or remnants thereof, mill rubbish or sawdust or any other deleterious substance or thing, whether the same is of the like character to the substances named in this section or not, in any water frequented by fish, shall be liable, for the first offence, to a penalty of twenty dollars and costs, for the second offence, to a penalty of not less than forty dollars and costs, and not more than eighty dollars and costs, and also in addition thereto a further penalty of not less than ten dollars and not more than twenty dollars for every day during which such offence is continued; and for the third or any subsequent offence, to a penalty of not less than one hundred dollars and costs, and not more than two hundred dollars and costs, and also in addition thereto a further penalty not exceeding twenty dollars for every day during which such offence is continued. R.S., c. 73, s. 78.

Injuring or fishing in place leased for the propagation of fish.

Penalty.

**62.** Every person who wilfully destroys or injures any place set apart under the authority of the Minister for the propagation of fish, or who fishes therein without written permission from a fishery officer, or uses therein any fishing light or other implement for fishing during the period for which such waters are so set apart, shall be liable to a penalty of not less than fifty dollars and costs and not more than two hundred dollars and costs, and, in default of payment, to imprisonment for a term not less than six months, and not more than twelve months or both. R.S., c. 73, s. 79.

Not providing compasses, etc., for boats.

**63.** (1) The owner of any vessel, who

*(a)* permits any dory, flat or other boat whatsoever to set out from any vessel engaged in deep-sea or bank fishing, or to be launched therefrom for the purpose of fishing with hooks and lines, trawls, or other similar

**Sections 61, 62 and 63.** These are the same as sections 78, 79 and 81 of the existing Act.

appliances, or with intent that the same shall be used in so fishing, or for the purpose of examining trawls, set lines or other similar appliances for fishing without there being placed in such boat to be retained therein during absence from such vessel, a mariner's compass, and at least two quarts of drinking water and two pounds of solid food for each man of the crew of such boat; or

*(b)* fails to supply any vessel by him so engaged in deep-sea or bank fishing, at the commencement of her voyage with as many serviceable mariner's compasses as she carries boats, in addition to the vessel's compass and also with the necessary utensils for holding water and with a serviceable fog-horn or trumpet;

Penalty.

shall be guilty of an offence against this Act, and shall be liable for each offence to a penalty of not less than two hundred dollars and costs and not more than five hundred dollars and costs, or to imprisonment for a term not less than six months and not exceeding twelve months, or both.

Penalty against Master.

(2) The master of any such vessel from which a boat is launched or sets out in contravention of the provisions of this section shall also be guilty of an offence against this Act, and shall be liable therefor to a penalty of not less than one hundred dollars and costs and not more than two hundred and fifty dollars and costs, or to imprisonment for a term not less than six months, or to both.

Vessel going to sea without certificate of equipment.

(3) The owner and master of any such vessel which goes to sea or attempts to go to sea without first obtaining and exhibiting to the collector or other proper customs officer a certificate from a fishery officer or other person authorized by the Minister to grant such certificates that the vessel is properly equipped with a mariner's compass and suitable utensils for holding water for each boat carried by her and with a serviceable fog-horn or trumpet, shall each be guilty of an offence against this Act and shall each be liable therefor to a penalty of not less than one hundred dollars and costs and not more than two hundred dollars and costs or to imprisonment for a term not exceeding six months. R.S., c. 73, s. 81.

Penalty against owner and master.

Confiscation of all fishing property used, and all fish taken, bought, or sold, in violation of Act.

**64.** All vessels, boats, canoes, rafts, vehicles of any description, nets, fishing gear, materials, implements or appliances used in violation of this Act or any regulation made hereunder, or in connection with which a violation of this Act or any regulation hereunder, is committed and any fish, taken, caught, killed, conveyed, bought, sold or had in possession in violation of this Act or any regulation hereunder, and all other fish, otherwise legally taken, caught, killed, conveyed, bought, sold or had in possession and of whatever size and description, which are intermixed

Section **64.** This section replaces section 82 of the existing Act, and the amendment strikes out the provision relating to confiscation of fishing property for violation of any international regulations. Section 90 of the existing Act provided for bringing international fishery regulations into force, but the regulations under the treaty with the United States, signed in 1908, never became effective. Section 90 is therefore omitted in this Bill. Section 82 of the existing Act reads as follows:—

"**82.** All vessels, boats, canoes, rafts, vehicles of any description, nets, fishing gear, materials, implements or appliances used in violation of this Act or any regulation made hereunder, or of any international regulation, and any fish, taken, caught killed, conveyed, bought, sold or had in possession in violation of this Act or any regulation hereunder, or of any international regulation, and all other fish, otherwise legally taken, caught, killed, conveyed, bought, sold or had in possession and of whatever size and description, which are intermixed therewith, shall be confiscated to His Majesty and may be seized and confiscated, on view, by any fishery officer, or taken and removed by any person for delivery to any fishery officer or justice of the peace."

therewith, shall be confiscated to His Majesty and may be seized and confiscated, on view, by any fishery officer, or taken and removed by any person for delivery to any fishery officer or justice of the peace. R.S., c. 73, s. 82, am.

Successive days separate offences.

**65.** Should any nets, seines, or other fishing apparatus be set or used in violation of this Act or any regulation hereunder for more than one day, then each day during which such seines, nets, or other fishing apparatus shall remain so set or used shall constitute a separate offence, and may be punished accordingly; and should any other violation of this Act, or of any regulation hereunder, continue for more than one day, then each day during which such violation continues shall constitute a separate offence, and may be punished as such. R.S., c. 73, s. 83.

Penalties not otherwise provided for.

**66.** Except as herein otherwise provided, every one who violates or prepares to violate any provision of this Act, or any regulation made hereunder, shall be liable to a penalty of not more than one thousand dollars and costs, and, in default of payment, to imprisonment for a term not exceeding twelve months, or to both. R.S., c. 73, s. 84, am.

Who shall be liable.

**67.** When not otherwise specified every proprietor, owner, agent, tenant, occupier, partner or person actually in charge, either as occupant or servant, shall be deemed to be jointly and severally liable for any penalties or moneys recovered under any of the provisions of this Act, or of any regulation made hereunder. R.S., c. 73, s. 85.

Offences by fishery officers.

**68.** Any fishery officer or fishery guardian, who violates this Act or any regulation made hereunder, or who aids, abets or connives at any violation of this Act or of any regulation made hereunder, shall be liable upon summary conviction before any recorder, commissioner of police, judge of the sessions of the peace, police, stipendiary or district magistrate or any two justices of the peace, to a penalty not exceeding five hundred dollars and costs or six months' imprisonment and not less than one hundred dollars and costs or three months' imprisonment. R.S., c. 73, 2. 86.

Penalty.

MODE OF RECOVERY.

Before whom to be sued for.

**69.** (1) Every penalty or forfeiture imposed by this Act or by any regulation made hereunder, may be recovered or enforced on parole complaint, before any fishery officer, stipendiary magistrate or justice of the peace, in a summary manner. 1929, c. 42, s. 8.

Section **65.** This is the same as section 83 of the existing Act.

Section **66.** This section replaces section 84 of the existing Act, and the only change is to include the underlined words "or prepares to violate". Section 36 of this Bill, which replaces section 49 of the existing Act, provides that a fishery officer may arrest any person without a warrant whom he has reasonable and probable grounds for believing committed an offence against the Act, or is preparing to commit such an offence, but there is nothing in the existing Act to enable us to impose any penalty on the person so arrested if the officer can successfully show reasons for his belief. Hence the addition of the above words. The existing Act reads as follows:—

"**84.** Except as herein otherwise provided, every one who violates any provision of this Act, or any regulation made hereunder, shall be liable to a penalty of not more than one thousand dollars and costs, and, in default of payment, to imprisonment for a term not exceeding twelve months, or to both."

Sections **67** and **68.** These are the same as sections 85 and 86 of the existing Act.

Section **69.** This replaces section 87 of the existing Act. Subsection 1 is taken from section 8 of chapter 42 of the Statutes of 1929 and reworded. Subsection 2 is the same as subsection 2 of section 87. The existing subsection reads as follows:

"**87.** (1) Every penalty or forfeiture imposed by this Act or by any regulation made hereunder, may be recovered or enforced on parole complaint, before any fishery officer who is authorized by the Governor in Council to exercise the powers of a justice of the peace, stipendiary magistrate or justice of the peace, in a summary manner."

Service of summons.

(2) Three days shall elapse between the service and the return day of the summons to any defendant served within fifteen miles, and one day more for each additional fifteen miles of the distance between the place at which the summons is issued and the place of service. Provided, that if it is expedient to proceed against a defendant without delay, any fishery officer or justice of the peace may issue a summons, returnable immediately, to compel the defendant to appear before him forthwith or may issue a warrant for the apprehension of such defendant simultaneously with the summons. R.S., c. 73, s. 87 (2).

Limitation of suits.

**70.** Penalties incurred under this Act, or any regulation made hereunder, shall be sued for within two years from the commission of the offence. R.S., c. 73, s. 88.

Distress of defendant's goods if any.

**71.** If any defendant has goods and chattels whereon the costs may be levied, the complainant may, under the warrant of any fishery officer or other justice of the peace, distrain for the amount thereof, notwithstanding the imprisonment of the person convicted. R.S., c. 73, s. 89.

FORM OF PROCEDURE.

Form of procedure.

**72.** Except in so far as in this Act is otherwise specially provided all penalties and forfeitures incurred under this Act or under any regulation made hereunder shall be recoverable and enforceable by summary proceedings taken under the provisions of the *Criminal Code* relating to summary convictions. R.S., c. 73, s. 91.

No quashing for want of form.

**73.** No proceeding or conviction under this Act or under any regulation under it shall be set aside or quashed on certiorari or otherwise for irregularity or defect in form, and no warrant of arrest of commitment shall be held void by reason of any defect therein, if it is therein alleged that the defendant has been convicted, and there is a good and valid conviction to sustain the same. R.S., c. 73, s. 92.

APPLICATIONS OF FINES AND FORFEITURES.

Fines and forfeitures.

**74.** The Governor General in Council may prescribe the manner in which the proceeds of penalties and the proceeds of the sale of confiscated articles shall be distributed. R.S., c. 73, s. 93.

Appeal in case of grievance by conviction.

**75.** Persons aggrieved by any conviction for any offence under this Act may appeal by petition to the Minister, who may remit penalties and restore forfeitures under this

Sections **70** to **75.** These sections are the same as sections 88, 89, 91 to 94, inclusive, in the existing Act.

Act: Provided that when a conviction takes place or an order is made by a justice of the peace or fishery officer for the payment of money or dismissing and information or complaint under this Act, nothing in this section contained shall prevent any person who thinks himself aggrieved by any such conviction or order or dismissal, the prosecutor or complainant, as well as the defendant, from the right of appeal that he has under the provisions of the *Criminal Code* relating to summary convictions. R.S., c. 73, s. 94.

Repeal.

**76.** Chapter seventy-three of the Revised Statutes of Canada, 1927, entitled the *Fisheries Act*, with all amendments thereto, is repealed.

SUMMARY.

Sections of the Fisheries Act which have been omitted from or absorbed in this Bill, and explanations:—

| Section of present Act. | Explanation. |
|---|---|
| Sec. 8. | Section 8 of the existing Act, which provides for the licensing of fish canneries, is being dropped as it is *ultra vires* under the recent Privy Council decision. |
| Sec. 9. | Subsections 2, 3, 4, 5 and 6 of the existing section 9 dealt with the conditions under which whale factories were licensed. These are now being dropped as the licensing of factories by the Federal Government is *ultra vires*. |
| Sec. 10. | Section 10 provides for the licensing of reduction plants. As this is *ultra vires* of the Federal Government, it is being dropped. |
| Sec. 11. | Section 11 prohibits the use of mackerel, herring or capelin seines for the taking of codfish. A provision of this kind, if needed, should be provided by regulation as conditions may be different in different areas. |
| Sec. 16. | Section 16 which provides for ths licensing of salmon drift-nets in New Brunswick and British Columbia is omitted. This is a kind of matter that should be dealt with by regulation, and as a matter of fact the regulations for the different provinces require licenses for all kinds of salmon fishing. |
| Sec. 19. | Section 19 is omitted. It provides for the licensing of salmon canneries and salmon curing establishments. It is *ultra vires*. |
| Sec. 20. | Section 20 provides for the licensing of buying boats and cold storage plants and is omitted because it is *ultra vires*. |
| Sec. 21. | Section 21 prohibits net fishing for trout, except on a portion of the north shore of the Gulf of St. Lawrence. The Provincial authorities believe the time has come for preventing the netting of trout in all areas. This is a matter that can best be dealt with by regulation. Hence it is omitted. |
| Sec. 22. | Section 22 provides for the licensing of herring dry salting establishments and is *ultra vires*. |
| Sec. 23. Sec. 24. | Sections 23 and 24 provide for the licensing of lobster canneries and are *ultra vires*. |
| Sec. 26. | Section 26 provides that a manager of a lobster cannery shall on demand produce his licence. As canneries are not being licensed by the Federal Government, this section is being dropped. |
| Sec. 27. | Section 27 requires managers of lobster canneries to deliver eggs from lobsters landed at their canneries to hatchery officers. We are not operating any hatcheries, and the taking of berried lobsters is illegal. Hence this section is being dropped. |
| Sec. 37. | Section 37 provides that no one shall use a bag-net, etc., for the capturing of deep-sea fish, except under license. This is a provision that should be taken care of by regulation where required. This is now being done. Hence this section is being dropped. |
| Sec. 40. | Section 40 provides against the use of purse-seines, excepting for certain fish. This is a matter that can properly be dealt with by regulation. This course is now being followed. Hence this section is being dropped. |
| Sec. 67. | The penalty provided by paragraph (*a*) of this section for engaging in the manufacture from whales of oil or other commercial product except under licence is omitted as it is *ultra vires*. |
| Sec. 69. | Section 69 which provides that no one shall leave shore to fish for salmon or lobsters outside the territorial waters during the close season in the waters opposite is dropped, as it is covered by section 31 of the Bill. |

Sec. 70.
Sec. 71. Sections 70 and 71 provide penalties in connection with the licensing of lobster canneries, but as these are being no longer licensed by us, these sections are not needed.

Sec. 72. Section 72 provides a penalty for counterfeiting labels on lobsters cases. As such labels are no longer required, this section is not needed.

Sec. 74. Section 74 provides a special penalty for fishing in areas leased to another. As we are no longer leasing areas, excepting for oyster culture, this provision is not now needed.

Sec. 80. Section 80 provides a special penalty for taking oysters from an area set apart by the Minister for artificial propagation, etc. At the time that this section was enacted the word "fish" was not interpreted. It is now interpreted to include oysters, so that there is no need for this special provision. Section 62 of the Bill covers it.

Sec. 90. Section 90 provides for the bringing into force of international regulations. This section was enacted following the treaty with the United States for the regulation of fisheries in boundary waters, which was signed in 1908. The regulations under that treaty never became effective. Hence this section is not now needed.

Third Session, Seventeenth Parliament, 22 George V, 1932

THE HOUSE OF COMMONS OF CANADA.

# BILL 11.

An Act to amend the Criminal Code (Conveyance of prohibited articles).

First reading, February 10, 1932.

The MINISTER OF JUSTICE.

OTTAWA
F A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
40663 1932

3rd Session, 17th Parliament, 22 Geo. V, 1932

THE HOUSE OF COMMONS OF CANADA.

# BILL 11.

An Act to amend the Criminal Code (Conveyance of prohibited articles).

R.S., c. 36; 1930, c. 11; 1931, c. 28.

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Lotteries, etc.

**1.** Section two hundred and thirty-six of the *Criminal Code*, chapter thirty-six of the Revised Statutes of Canada, 1927, is amended by inserting after paragraph *(b)* of subsection one thereof, the following paragraph:—

Conveyance of prohibited articles.

"*(bb)* knowingly sends, transmits, mails, ships, delivers or allows to be sent, transmitted, mailed, shipped or delivered, or knowingly accepts for carriage or transport, or conveys any article which is used or intended for use in the carrying out of any device, proposal, scheme or plan for advancing, lending, giving, selling or otherwise disposing of any property by any mode of chance whatsoever; or"

EXPLANATORY NOTE.

This amendment has been requested by the Postmaster General, as his attention has been directed to the fact that express companies are carrying articles of the kind mentioned which have been prohibited transmission in the mails.

Subsection one of section 236 reads as follows:—

"**236.** Every one is guilty of an indictable offence and liable to two years' imprisonment and to a fine not exceeding two thousand dollars who

*(a)* makes, prints, advertises or publishes, or causes or procures to be made printed, advertised or published, any proposal, scheme or plan for advancing, lending, giving, selling or in any way disposing of any property, by lots, cards, tickets, or any mode of chance whatsoever; or

*(b)* sells, barters, exchanges or otherwise disposes of, or causes or procures, or aids or assists in, the sale, barter, exchange or other disposal of, or offers for sale, barter or exchange, any lot, card, ticket or other means or device for advancing, lending, giving, selling or otherwise disposing of any property, by lots, tickets or any mode of chance whatsoever; or

*(c)* conducts or manages any scheme, contrivance or operation of any kind for the purpose of determining who, or the holders of what lots, tickets, numbers or chances, are the winners of any property so proposed to be advanced, loaned, given, sold or disposed of; or

*(d)* disposes of any goods, wares or merchandise by any game or mode of chance or mixed chance and skill in which the contestant or competitor pays money or other valuable consideration; or

*(e)* induces any person to stake or hazard any money or other valuable property or thing on the result of any dice game, shall game, punch board, coin table or on the operation of any wheel of fortune:

Provided that the provisions of paragraphs *(d)* and *(e)* of this subsection in so far as they do not relate to any dice game, shell game, punch board or coin tabls, shall not apply to any agricultural fair or exhibition, or to any operator of a concession leased by any agricultural fair or exhibition board within its own grounds and operated during the period of the annual fair held on such grounds."

Third Session, Seventeenth Parliament, 22 George V, 1932

THE HOUSE OF COMMONS OF CANADA.

# BILL 12.

An Act to authorize an agreement between His Majesty the King and the Corporation of the City of Ottawa.

First reading, February 12, 1932.

THE MINISTER OF PUBLIC WORKS.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
40248 1932

3rd Session, 17th Parliament, 22 Geo. V, 1932

THE HOUSE OF COMMONS OF CANADA.

# BILL 12.

An Act to authorize an agreement between His Majesty the King and the Corporation of the City of Ottawa.

1920, c. 15; 1924, c. 59; 1925, c. 21; 1931, c. 43.

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Agreement with City of Ottawa extended for one year.

**1.** The Minister of Public Works may on behalf of His Majesty the King enter into an agreement with the Corporation of the City of Ottawa, hereinafter called "the Corporation", extending for a period of one year from the first day of July, 1931, the provisions of the existing agreement between His Majesty the King and the Corporation, dated the thirtieth day of March, 1920, which last mentioned agreement as amended was extended to the first day of July, 1930, under the authority of chapter fifty-nine of the statutes of 1924 and chapter twenty-one of the statutes of 1925, and to the first day of July, 1931, under the authority of chapter forty-three of the statutes of 1931.

EXPLANATORY NOTE.

The operation of the agreement with the City of Ottawa of 30th March, 1920, was extended for one year by chapter 59 of the statutes of 1924. The agreement itself is set out in full as a schedule to chapter 15 of the statutes of 1920.

In chapter 21 of the statutes of 1925, the period of the agreement was extended for five years, to 1st July, 1930, and the Minister was empowered to agree on behalf of His Majesty to pay to the Corporation annually the sum of $100,000 during the said period of five years from 1st July, 1925, instead of the annual sum of $75,000 as provided for in the said agreement. By chapter 43 of the statutes of 1931, the period of the agreement was extended for one year to 1st July, 1931.

The present object is to extend the agreement for one year.

Third Session, Seventeenth Parliament, 22 George V, 1932

THE HOUSE OF COMMONS OF CANADA.

# BILL 13.

An Act relating to the submission to Parliament of certain Regulations and Orders in Council.

First reading, February 15, 1932.

THE MINISTER OF THE INTERIOR.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
41580 1932

3rd Session, 17th Parliament, 22 Geo. V, 1932

THE HOUSE OF COMMONS OF CANADA.

# BILL 13.

An Act relating to the submission to Parliament of certain Regulations and Orders in Council.

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Certain Orders in Council and Regulations to be valid.

**1.** Orders in Council or Regulations heretofore made by the Governor in Council under authority of the *Dominion Forest Reserves and Parks Act*, chapter seventy-eight of the Revised Statutes of Canada, 1927, and the *Dominion Lands Act*, chapter one hundred and thirteen of the Revised Statutes of Canada, 1927, are hereby declared to have the same force and effect as if they had been approved by both Houses of Parliament as required by said Acts respectively.

EXPLANATORY NOTE.

**1.** The Acts referred to contain a provision that Regulations passed thereunder shall remain in force until the day immediately succeeding prorogation of that Session of Parliament and no longer unless approved by resolution of both Houses.

At the last session the required resolution was not passed and consequently this legislation is needed to validate Regulations and Orders in Council made under the various Acts.

Third Session, Seventeenth Parliament, 22 George V, 1932

THE HOUSE OF COMMONS OF CANADA

# BILL 14.

An Act to amend the Civil Service Act (Vacancies, Outside Service.)

First reading, February 15, 1932.

Mr. GAGNON.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
41432 1932

3rd Session, 17th Parliament, 22 Geo. V, 1932

THE HOUSE OF COMMONS OF CANADA.

# BILL 14.

An Act to amend the Civil Service Act. (Vacancies, Outside Service.)

R.S., c. 22; 1929, c. 38.

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Short title.

**1.** This Act may be cited as *The Civil Service Amendment Act, 1932.*

**2.** Section two of the *Civil Service Act,* chapter twenty-two of the Revised Statutes of Canada, 1927, is amended by adding thereto the following paragraph:—

Outside service.

"*(g)* "outside service" means and includes the officers, clerks and employees of the civil service as defined in paragraph *(a)* of this section, who are not employed at the city of Ottawa, or at the Experimental Farm Station or the Dominion Astronomical Observatory near Ottawa." (New.)

**3.** Section forty-nine of the said Act is repealed and the following is substituted therefor:—

Promotions.

**49.** (1) Promotion is a change from one class to another class with a higher maximum compensation.

Vacancies.

(2) When a vacancy occurs in the public service, such vacancy shall not be filled by promotion or otherwise except on report of the Civil Service Commission after consultation with the minister or deputy minister. In case of disagreements, the facts should be referred to the Governor in Council for decision. (New ss. [2].)

## Explanatory Notes.

The purpose of this Bill is, in accordance with a recommendation made by a special committee of the Senate on the civil service which sat in 1924, that the Civil Service Commission should have the right to fill vacancies in the civil service, only after conferring with the minister or deputy minister in order to choose the appointee.

It is also intended to amend the Act so as to provide that positions of the outside service may be excluded, from the operation of the Civil Service Act, to provide that appointees to professional or technical positions may be chosen by the Minister.

**2.** Section two of the Act reads as follows:—

"**2.** In this Act and in all regulations made hereunder, unless the context otherwise requires,

*(a)* "civil service" means the civil positions and employees in and under the several departments of the Government of Canada, and in the offices of the Auditor General, the Clerk of the Privy Council, the Governor General's Secretary, the Public Archives, the Board of Railway Commissioners for Canada, the Civil Service Commission, and all other civil positions under and persons in the civil employ of His Majesty, but not including the members of any commission or board appointed by the Governor in Council;

*(b)* "Commission" means the Civil Service Commission;

*(c)* "deputy" or "deputy head" means and includes the deputy of the Minister of the Crown presiding over the department, the Clerk of the Privy Council, the Clerks of the Senate and House of Commons, the Librarians of Parliament, the Comptroller of the Royal Canadian Mounted Police, the Superintendent of Insurance, the Dominion Archivist, the Board of Railway Commissioners for Canada and, in all cases in which such meaning is not inconsistent with his powers and duties under the Consolidated Revenue and Audit Act, the Auditor General;

*(d)* "employee" means and includes officers, clerks, and employees in the civil service, but does not include deputy heads;

*(e)* "head of the department" means the Minister of the Crown for the time being presiding over the department and includes the Speakers of the Senate and House of Commons;

*(f)* "the war" means the war declared by His Majesty on the fourth day of August, one thousand nine hundred and fourteen, against the Empire of Germany and, subsequently, against other powers."

**3.** The section to be repealed reads as follows:—

"**49.** Promotion is a change from one class to another class with a higher maximum compensation, and vacancies shall be filled, as far as is consistent with the best interests of the civil service, by promoton.

2. Promotions shall be made for merit by the Commission upon such examination, reports, tests, records, ratings or recommendations as the Commission may by regulation prescribe.

3. In making promotions, the Commission may, by regulation restrict the competition by merit to all employees or to employees of certain class or classes of a specified seniority, and may prescribe the marks or ratings to be obtained by such employees for efficiency and seniority, such marks or ratings not to exceed one half of the total marks required under any merit system or method adopted by the Commission for promotion purposes."

**4.** Section fifty-two of the said Act is repealed and the following is substituted therefor:—

Dismissal.

"**52.** Subject to the provisions of section three of this Act, nothing herein contained shall impair the power of the head of the department to remove or dismiss any deputy head, officer, clerk or employee, but no such deputy head, officer, clerk or employee, whose appointment is of a permanent nature, shall be removed from office except by authority of the head of the department."

**5.** The said Act, as amended by chapter thirty-eight of the statutes of 1929, is further amended by adding at the end thereof after section sixty-two the following headings and the following sections:—

"OUTSIDE SERVICE"

Positions of the outside service to be excluded from operation of Act.

"**63.** The outside service shall be excluded from the operation of the Act, and the Governor in Council may make such regulations as are deemed advisable, prescribing how such positions are to be dealt with."

"PROFESSIONAL AND TECHNICAL POSITIONS."

Appointment to professional and technical positions.

"**64.** (1) In any case where in the opinion of the head of the department or the deputy, the knowledge and ability requisite for any position in the civil service are wholly or in part professional or technical, the Commission, on the request in writing of the head of the department, may appoint a person mentioned in such request to the said position, provided the head of the department has stated in his request that the person recommended possesses the requisite knowledge and ability and is duly qualified as to health, character and habits.

Not to qualify for transfer.

"(2) An appointment as a professional or technical officer, as provided for in the preceding subsection, shall not qualify a person for appointment or transfer to any other position in the civil service open to appointment upon competitive examination."

4. Section 52 is amended by substituting the underlined words, on the opposite page, for the words Governor in Council so that the Minister may have a better and more complete control of his department.

5. These sections are new. They provide certain exceptions to the Civil Service Act, as regards the Outside Service and the professional and technical positions, as previously stated.

Third Session, Seventeenth Parliament, 22 George V, 1932

THE HOUSE OF COMMONS OF CANADA

# BILL 15.

An Act to amend the Admiralty Act.

First reading, February 17, 1932.

The MINISTER OF JUSTICE.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
40456 1932

3rd Session, 17th Parliament, 22 Geo. V, 1932

THE HOUSE OF COMMONS OF CANADA.

# BILL 15.

An Act to amend the Admiralty Act.

R.S., c. 33.

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

**1.** Section twenty-three of the *Admiralty Act*, chapter thirty-three of the Revised Statutes of Canada, 1927, is repealed, and the following is substituted therefor:—

Rules of Court.

"**23.** (1) The President of the Exchequer Court of Canada may from time to time make general rules and orders,

*(a)* for regulating the practice and procedure in causes or matters falling within the Admiralty jurisdiction of the Court either at first instance or on appeal;

*(b)* for fixing the scale of costs and regulating the taxation thereof where costs are awarded for or against a party in any of such causes or matters;

*(c)* for fixing the fees payable to the Court or its officers in respect of anything done or any proceedings taken in such causes or matters;

*(d)* for prescribing the rights and duties of the officers of the said Court charged with the administration of business in such causes or matters arising either at first instance or on appeal.

Extent and effect thereof.

(2) *(a)* Such rules and orders may extend to any matter of procedure or practice not provided for by any Act, but for which it is found necessary to provide in order to ensure their proper working and the better attainment of the objects thereof.

*(b)* Rules and orders so made as aforesaid shall not become effective until approved by the Governor in Council, nor until such rules and orders and the Order in Council approving of the same are published in the *Canada Gazette*.

Copies of all such rules and orders shall be laid before both Houses of Parliament within ten days after the opening of the session next after the making thereof.

EXPLANATORY NOTES.

1. The section to be repealed reads as follows:—

"23. Any rules or orders of court made by the Exchequer Court for regulating the procedure and practice therein, including fees and costs, in the exercise of the jurisdiction conferred by the *Colonial Courts of Admiralty Act, 1890*, and this Act, which require the approval of His Majesty in Council, shall be submitted to the Governor in Council for his approval, and, if approved by him, shall be transmitted to His Majesty in Council for his approval".

This amendment is for the purpose of giving the President of the Exchequer Court the same power of making rules and regulations for the Admiralty Court as is now possessed by the judges of the Exchequer Court for the Exchequer Court proper, and also to provide that in making such rules and orders the procedure shall be the same as that provided in subsection one of section 87 and in section 88 of the Exchequer Court Act.

Subsection one of section 87 and section 88 of the Exchequer Court Act (upon which the new section 23 is modelled) are given below for purposes of reference and comparison.

"87. (1) The Judges of the Court may, from time to time, make general rules and orders.

*(a)* for regulating the practice and procedure of and in the Exchequer Court;

*(b)* for the effectual execution and working of this Act, and the attainment of the intention and objects thereof;

*(c)* for the effectual execution and working in respect to proceedings in such Court or before such Judge, of any Act giving jurisdiction to such Court or Judge and the attainment of the intention and objects of any such Act;

*(d)* for fixing the fees and costs to be taxed and allowed to, and received and taken by, and the rights and duties of the officers of the said Court; and

*(e)* for awarding and regulating costs in such Court in favour of or against the Crown, as well as the subject."

"88. Such rules and orders may extend to any matter of procedure or otherwise, not provided for by any Act, but for which it is found necessary to provide in order to ensure their proper working and the better attainment of the objects thereof.

2. Copies of all such rules and orders shall be laid before both Houses of Parliament within ten days after the opening of the session next after the making thereof.

3. All such rules and orders and every portion of the same not inconsistent with the express provisions of any Act shall have and continue to have force and effect as if herein enacted, unless during such session an address of either the Senate or House of Commons shall be passed for the repeal of the same or of any portion thereof, in which case the same or such portion shall be and become repealed: Provided that the Governor in Council may, by proclamation, published in the *Canada Gazette*, or either House of Parliament may, by any resolution passed at any time within thirty days after such rules and orders have been laid before Parliament, suspend any rule or order made under this Act; and such rule or order shall, thereupon, cease to have force and effect until the end of the then next session of Parliament."

*(c)* All such rules and orders and every portion of the same not inconsistent with the express provisions of any Act shall have and continue to have force and effect as if herein enacted, unless during such session an address of either the Senate or House of Commons shall be passed for the repeal of the same or of any portion thereof, in which case the same or such portion shall be and become repealed: Provided that either House of Parliament may, by any resolution passed at any time within thirty days after such rules and orders have been laid before Parliament, suspend any rule or order made under this Act; and such rule or order shall, thereupon, cease to have force and effect until the end of the then next session of Parliament."

Third Session, Seventeenth Parliament, 22 George V, 1932

THE HOUSE OF COMMONS OF CANADA.

# BILL 16.

An Act to amend the Bank Act.

First reading, February 19, 1932.

MR. SPENCER.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
42215 1932

3rd Session, 17th Parliament, 22 Geo. V, 1932

THE HOUSE OF COMMONS OF CANADA.

# BILL 16.

An Act to amend the Bank Act.

R.S., c. 12.

HIS MAJESTY, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

**1.** Subsection one of section ninety-one of the *Bank Act*, chapter twelve of the Revised Statutes of Canada, 1927, is repealed, and the following is substituted therefor:—

Interest to 7 per cent may be charged.

"**91.** (1) The Bank may stipulate for, take, reserve or exact any rate of interest or discount not exceeding seven per cent per annum and may receive and take in advance any such rate, but no higher rate of interest shall be charged by the bank, and every bank which violates the provisions of this subsection shall be guilty of an indictable offence and liable, on conviction, to a fine not exceeding five hundred dollars, and everyone who, being a manager or officer of any bank, violates the said provisions shall be be guilty of an indictable offence and liable, on conviction, to a fine not exceeding one hundred dollars."

Penalty.

## Explanatory Notes.

**1.** Subsection 1 of section 91 of the Bank Act, to be repealed and re-enacted, reads as follows:—

"**91.** (1) The Bank may stipulate for, take, reserve or exact any rate of interest or discount not exceeding seven per cent per annum and may receive and take in advance any such rate, but no higher rate of interest shall be *recoverable* by the bank."

The underlined words in the text of the Bill are new. The word "charged" is substituted for the word "recoverable" in the existing subsection. The object of the Bill is to prevent the banks from charging a higher rate of interest than seven per cent, and to make this provision operative by the imposition of penalties.

Third Session, Seventeenth Parliament, 22 George V, 1932

THE HOUSE OF COMMONS OF CANADA.

# BILL 17.

An Act to amend the Marriage and Divorce Act.

First reading, February 22, 1932.

Mr. BURY.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1932

42434

3rd Session, 17th Parliament, 22 Geo. V, 1932

THE HOUSE OF COMMONS OF CANADA.

# BILL 17.

An Act to amend the Marriage and Divorce Act.

R.S., c. 127.

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage.

**1.** Sections two and three of the *Marriage and Divorce Act*, chapter one hundred and twenty-seven of the Revised Statutes of Canada, 1927, are repealed, and the following are substituted therefor:—

Certain marriages not invalid.

"**2.** A marriage is not invalid merely because the woman is a sister of a deceased wife of the man, or a daughter of a sister or brother of a deceased wife of the man.

Certain marriages not invalid.

"**3.** A marriage is not invalid merely because the man is a brother of a deceased husband of the woman or a son of a brother or sister of a deceased husband of the woman."

EXPLANATORY NOTE.

Under the Act as it now is a man can legally marry either his deceased wife's sister or a daughter of his deceased wife's sister, but cannot legally marry a daughter of his deceased wife's brother.

Similarly, a woman can now legally marry either her deceased husband's brother or the son of her deceased husband's brother, but not a son of her deceased husband's sister.

The amendments proposed are in the words underlined in the Bill, and are designed to remove these anomalies, which would seem to have been due to oversight.

Third Session, Seventeenth Parliament, 22 George V, 1932

THE HOUSE OF COMMONS OF CANADA

# BILL 18.

An Act to amend the Destructive Insect and Pest Act.

First reading, February 22, 1932.

The MINISTER OF AGRICULTURE.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
42166 1932

3rd Session, 17th Parliament, 22 Geo. V, 1932

THE HOUSE OF COMMONS OF CANADA.

# BILL 18.

An Act to amend the Destructive Insect and Pest Act.

R.S., c. 47.

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

**1.** Section three of the *Destructive Insect and Pest Act*, chapter forty-seven of the Revised Statutes of Canada, 1927, is repealed, and the following is substituted therefor:—

Regulations.

"**3.** The Governor in Council may make such regulations as are deemed expedient to prevent the introduction or admission into Canada, or the spreading therein, or the shipment beyond her borders, of any insect, pest, or disease destructive to vegetation."

**2.** Paragraph *(a)* of section four of the said Act is repealed and the following is substituted therefor:—

Scope of regulations.

"*(a)* for the prohibition generally, or from any particular country or place, of the introduction or admission into Canada, or the shipment beyond her borders, of any vegetable or other matter likely to introduce any such insect, pest, or disease;"

**3.** Section four of the said Act is amended by inserting the following as paragraph *(i)* and by re-lettering present paragraph *(i)* as paragraph *(j)*:—

Inspection and granting of health certificates.

"*(i)* for the inspection of, or the granting of health certificates, or both, for any vegetable or other matter, before export to any foreign country, or for domestic purposes."

Rights of provinces or of Governor in Council not affected.

**4.** The said Act is further amended by adding thereto the following section:—

"**11.** Notwithstanding the generality of the terms of this Act, the foregoing provisions shall be construed as extending only to such insects, pests, or diseases destructive to

EXPLANATORY NOTES.

Section **1.** The words *"or the shipment beyond her borders"* are inserted in this section, with a view to making provision to prevent the exportation of infested vegetables.

Section **2.** This section amends section 4 *(a)* in a similar manner to section 3 and for a similar reason.

Section **3.** Provides for the issuance of health certificates for any vegetables or other matter before export to any foreign country or for domestic purposes.

Section **4.** The addition of section 11 to the Act as provided in this section is for the purpose of validating certain provincial laws in relation to the control of insect pests, in which the Government is not at the present time interested.

vegetation, as are dealt with, from time to time, by the Governor in Council by regulation, and nothing herein contained shall be construed to prevent the legislature of any province from making laws in relation to any such insect, pest, or disease not so dealt with by the Governor in Council, or to render repugnant to this Act any law made by the Legislature of a province in relation to any such insect, pest, or disease not so dealt with by the Governor in Council; but the power of the Governor in Council shall nevertheless be construed as ample from time to time to extend the application of this Act and regulations made thereunder, to any insect, pest or disease aforesaid, notwithstanding the existence of any provincial law relating thereto."

Third Session, Seventeenth Parliament, 22 George V, 1932

THE HOUSE OF COMMONS OF CANADA.

# BILL 19.

An Act to provide for the reduction of compensation in the Public Service.

First reading, March 4, 1932.

The MINISTER OF FINANCE.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
42428 1932

3rd Session, 17th Parliament, 22 Geo. V, 1932

THE HOUSE OF COMMONS OF CANADA.

# BILL 19.

An Act to provide for the reduction of compensation in the Public Service.

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Short title.

**1.** This Act may be cited as *The Salary Deduction Act, 1932.*

Definitions.

"Compensation".

**2.** In this Act, unless the context otherwise requires,—

*(a)* "compensation" means the salaries, wages, commissions, fees, or other remuneration, authorized to be paid by statute, or regulation, or other authority, and includes sessional indemnities, and allowances, in cash or in kind, forming part of the remuneration attached to an office;

"member of the public service of Canada".

*(b)* "member of the public service of Canada" means every officer, clerk and employee in any branch or portion of the public service of Canada, to whom any compensation is paid, either directly or indirectly, out of the revenue of His Majesty in respect of his Government of Canada, other than the Governor General of Canada, the Lieutenant-Governors of the several Provinces of Canada, the members of the Judiciary, and the members of the military, naval and air forces of Canada, and the Royal Canadian Mounted Police, and includes members of the Senate and House of Commons of Canada, and members, officers, clerks and employees of every commission, board or corporate body, being an agent or trustee of His Majesty in respect of his Government of Canada, created or established under the authority of an Act of the Parliament of Canada, other than the Canadian National Railway Company.

Ten per cent deduction.

**3.** (1) Notwithstanding the provisions of any statute or law, there shall, during the fiscal year ending the thirty-first day of March, 1933, be deducted from the compensation of every member of the public service of Canada ten per centum of the amount thereof.

Apportionment of deduction.

(2) The deduction at the rate aforesaid shall be made from the instalments of compensation as the same become payable.

No duplication of deductions.

**4.** Where provision has been made by any Appropriation Act for the fiscal year ending the thirty-first day of March, 1933, for the reduced amount of the compensation of any member of the public service of Canada, after deducting ten per centum of the amount of the compensation, no further deduction by reason of the operation of this Act shall be made from such reduced amount of compensation.

Basis of superannuation benefits not reduced.

**5.** (1) Deductions made under the provisions of this Act from the compensation of a contributor under the provisions of the *Civil Service Superannuation Act*, or Part I of the *Civil Service Superannuation and Retirement Act*, shall not be taken to have reduced the amount of compensation on which the superannuation or retirement benefits of any such contributor would, but for the said deduction, have been based under either of the said Acts.

Paid where compensation not more than $1,200.

(2) The current contributions under the provisions of the *Civil Service Superannuation Act*, of any contributor whose compensation does not exceed one thousand two hundred dollars per annum, shall be paid out of any unappropriated moneys in the Consolidated Revenue Fund.

Regulations by Treasury Board.

**6.** The Treasury Board may make regulations,—

*(a)* prescribing and determining, in any case of doubt respecting the application of the definition of "member of the public service of Canada", to what persons or class of persons the provisions of this Act do or do not apply;

*(b)* determining in any case of doubt the amount to be treated as the amount of compensation of any member of the public service of Canada for the purposes of this Act;

*(c)* for any other purpose deemed necessary to give effect to this Act.

Duration of Act.

**7.** This Act shall expire on the thirty-first day of March, 1933.

Third Session, Seventeenth Parliament, 22 George V, 1932

THE HOUSE OF COMMONS OF CANADA.

# BILL 20.

An Act to amend the Petroleum and Naphtha Inspection Act.

First reading, February 24, 1932.

THE MINISTER OF NATIONAL REVENUE.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
42236 1932

3rd Session, 17th Parliament, 22 Geo. V, 1932

THE HOUSE OF COMMONS OF CANADA.

# BILL 20.

An Act to amend the Petroleum and Naphtha Inspection Act.

R.S., c. 159.

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Tests of petroleum.

**1.** Paragraph *(b)* of section ten of the *Petroleum and Naphtha Inspection Act*, chapter one hundred and fifty-nine of the Revised Statutes of Canada, 1927, is repealed, and the following is substituted therefor:—

"*(b)* if it weighs more than eight pounds and four-tenths of a pound per gallon; or"

EXPLANATORY NOTE.

1. Section ten reads as follows:—

"10. Except as herein otherwise provided, petroleum shall not be sold or offered for sale for use in Canada, for illuminating purposes,

*(a)* if, when tested by the pyrometer described in the schedule to this Act, at a lower temperature than eighty-five degrees by Fahrenheit's thermometer, it emits a vapour that will flash; or,

*(b)* if it weighs more than eight pounds and *seventeen-hundredths* of a pound per gallon; or

*(c)* if it weighs less than seven pounds and seventy-five-hundredths of a pound per gallon."

The restriction on weight contained in paragraph *(b)* prevents the marketing of petroleum discovered in the Red Coulée district of Alberta, unless gasoline is added thereto. The proposal to amend the Act to permit the marketing of this product has been submitted to experts of the Department of the Interior and of the Department of National Revenue, who have agreed that the proposed amendment can be made without increasing fire hazard or otherwise interfering with the objects of the Act.

Third Session, Seventeenth Parliament, 22 George V, 1932

THE HOUSE OF COMMONS OF CANADA.

# BILL 21.

An Act respecting the Canadian National Railways and to authorize additional provision of moneys to meet expenditures made and indebtedness incurred during the calendar year 1931.

First reading, February 26, 1932.

THE MINISTER OF RAILWAYS AND CANALS.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
42530 1932

3rd Session, 17th Parliament, 22 Geo. V, 1932

THE HOUSE OF COMMONS OF CANADA

# BILL 21.

An Act respecting the Canadian National Railways and to authorize additional provision of moneys to meet expenditures made and indebtedness incurred during the calendar year 1931.

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Short title.

**1.** This Act may be cited as *Canadian National Railways Financing Act, 1931, No. 2.*

Power to borrow.

**2.** Subject to the provisions of this Act and the approval of the Governor in Council, the Canadian National Railway Company (hereinafter called "the Company") may issue notes, obligations, bonds, debentures or other securities (hereinafter called "securities") to provide the amounts necessary to meet expenditures made or indebtedness incurred during the calendar year 1931 in excess of those expenditures authorized under *Canadian National Railways Financing Act, 1931*, chapter twenty-two of the Statutes of Canada, 1931, (where amounts available from net operating income or investments were insufficient) by or on behalf of the Company or any company comprised in the Canadian National Railways (as defined in chapter ten of the Statutes of Canada, 1929), or any company controlled by stock ownership or otherwise by any company comprised in the Canadian National Railways, or by the Company in respect of any of the Canadian Government Railways entrusted to the Company, or any one or more of such companies, on any or all of the following accounts, such expenditures or indebtedness being herein called "authorized expenditures,"

*(a)* Net additional income deficits including profit and loss but not including interest on Dominion Government advances (being $20,887,793.48 against which has been applied an amount of $13,690,385.96 under author-

## Explanatory Note

The object of this Bill is to authorize the Canadian National Railway Company to issue additional securities to the extent of $11,372,498.86 for the purpose for the year 1931 of financing where the amounts available from net operating income and investments were insufficient.

ity of the proviso contained in section two, chapter twenty-two of the Statutes of Canada, 1931).....
..... $ 7,197,407.52

*(b)* Equipment principal payments, sinking funds, miscellaneous maturing or matured notes and other obligations secured or unsecured, not exceeding.....
.....$ 492,077.30

*(c)* Purchase of new equipment.....$11,014,284.11

Provided, however, that for such purposes the aggregate principal amount at any one time outstanding of the securities which the Company is hereby authorized to make and issue from time to time shall not exceed the sum of $11,372,498.86, being the total of the items hereinabove set out less $7,331,270.07, the unexpended balance as of December the thirty-first, 1931, of the proceeds of an issue of $70,000,000.00 of securities made on the first day of February, 1931, authority being hereby granted to apply the said balance towards the payment of the amount specified in paragraph *(c)* hereinabove set out.

Approval by Governor in Council.

**3.** The Company may, subject to the approval of the Governor in Council, from time to time approve or decide:—

*(a)* The kind of securities to be issued and the form and terms thereof;

*(b)* The currency or currencies in which any issue or parts thereof may be made;

*(c)* The times, manner and amount of the issue or issues;

*(d)* The terms and conditions of any sale, pledge or other disposition of the securities;

*(e)* The securing, if deemed desirable, of the securities by mortage, deed of trust or other instrument and the manner thereof, and the form and terms of any such indenture and the trustee or trustees thereof;

*(f)* The manner, terms and conditions of any temporary financing and the expediency thereof and the form and terms of temporary securities.

Competitive bids.

**4.** (1) The Company shall adopt the principle of competitive bids or tenders in respect of any sale of the securities, but, subject to the provisions of paragraph *(d)* of section three of this Act, shall not be bound to accept either the highest or lowest or any bid or tender made or obtained, nor be precluded from negotiating for better prices or terms.

Proviso.

Temporary financing.

(2) This section shall not apply to temporary financing in whole or in part by way of pledge or otherwise of the securities either in permanent or temporary form, where the Governor in Council approves such temporary financing and the terms thereof.

Refunding of temporary loans.

**5.** Should temporary loans be made or negotiated within the limits aforesaid, securities may subsecquently be issued under the provisions of this Act to renew, refund or adjust such loans or any part thereof.

Power to aid other companies.

**6.** The Company may aid and assist, in any manner, any other or others of the said companies, which expression as used here and hereinafter shall include the Canadian Government Railways entrusted as aforesaid, and, without limiting the generality of the foregoing, may for its own requirements and also for the requirements of any or all of such other companies from time to time:—

*(a)* Apply the proceeds of any issue of securities, or the amount of loans received by virtue of this Act, in meeting authorized expenditures on its own account or on account of any or all of such other companies;

*(b)* Make advances for the purpose of meeting authorized expenditures to any or all of such other companies, upon or without any security, at discretion.

Third Session, Seventeenth Parliament, 22 George V, 1932

THE HOUSE OF COMMONS OF CANADA.

# BILL 22.

An Act to amend the Criminal Code (Cheques without Funds and Grand Juries).

First reading, February 29, 1932.

THE MINISTER OF JUSTICE.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
42418 1932

3rd Session, 17th Parliament, 22 Geo. V, 1932

THE HOUSE OF COMMONS OF CANADA.

# BILL 22.

An Act to amend the Criminal Code (Cheques without Funds and Grand Juries).

R.S., c. 36.

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Obtaining by false pretense.

**1.** Section four hundred and five of the *Criminal Code*, chapter thirty-six of the Revised Statutes of Canada, 1927, is amended by adding thereto the following subsection:

Cheque without funds.

"(3) In any prosecution under this section, if it be shewn that any thing capable of being stolen was obtained by the accused by means of a cheque which, when presented for payment within a reasonable time, was dishonoured on the ground that there were no funds or not sufficient funds on deposit in the bank to the credit of the accused, it shall be presumed that such thing was obtained with fraudulent intent by a false pretence, unless it be established to the satisfaction of the Court that when the accused issued such cheque he had reasonable grounds for believing that it would be honoured if presented for payment within a reasonable time after it was issued."

Preferring indictment.

**2.** Subsection five of section eight hundred and seventy-three of the said Act is repealed and the following is substituted therefor:—

Procedure in Manitoba Saskatchewan, Alberta and British Columbia.

"(5) In the provinces of Manitoba, Saskatchewan, Alberta and British Columbia, it shall not be necessary to prefer any bill of indictment before a grand jury, but it shall be sufficient that the trial of any person charged with a criminal offence be commenced by a formal charge in writing setting forth as an indictment the offence with which he is charged."

## Explanatory Notes.

**1.** Subsection (3) of section 405 is new.

**2.** Subsection (5), to be repealed, at present reads as follows:—

"5. In the provinces of Manitoba, Saskatchewan and Alberta, it shall not be necessary to prefer any bill of indictment before a grand jury, but it shall be sufficient that the trial of any person charged with a criminal offence be commenced by a formal charge in writing setting forth as in an indictment the offence with which he is charged."

The only change is the addition of the underlined words "and British Columbia" (on the opposite page).

This amendment is to widen subsection 5 to include British Columbia, and is inserted at the request of the Attorney General of that province. In a letter dated February 6th, 1932, Hon. Mr. Pooley states:

"It is proposed to dispense with the institution known as the Grand Jury. It has been the opinion for a long time that the expense to the country is altogether incommensurate with the services rendered. As you know, the reasons which justified the creation of this institution was to provide a measure of protection to the public, but the necessity has long ago passed out and to-day there are so many safeguards against miscarriage of justice in Canada, of which the Grand Jury is not one, there seems no good reason to retain it. It is perhaps a matter of sentimental regret that new conditions arising necessitate such a change. You, of course, know that the Grand Jury system was not imported into the new provinces of Alberta and Saskatchewan, and the omission does not appear to have caused any loss or hardship."

This section was amended to include Manitoba by section 8 of chapter 41 of the statutes of 1923.

Third Session, Seventeenth Parliament, 22 George V, 1932

THE HOUSE OF COMMONS OF CANADA.

# BILL 23.

An Act to amend the Finance Act.

First reading, February 29, 1932.

Mr. SPENCER.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
42232 1932

3rd Session, 17th Parliament, 22 Geo. V, 1932

THE HOUSE OF COMMONS OF CANADA.

# BILL 23.

An Act to amend the Finance Act.

R.S., c. 70.

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Advances to banks and the provinces on pledge of securities.

**1.** Section five of the *Finance Act*, chapter seventy of the Revised Statutes of Canada, 1927, is repealed, and the following is substituted therefor:—

"**5.** At any time when there is no proclamation in force under the authority of paragraph *(a)* of section four of this Act, the Minister may make advances to the chartered banks and to the savings banks to which the Quebec Savings Bank Act applies, and to any province of Canada, by the issue of Dominion notes upon the pledge of the securities hereinafter mentioned:—

*(a)* Treasury bills, bonds, debentures or stocks of the Dominion of Canada, Great Britain, any province of Canada, and of any British possession;

*(b)* Public securities of the Government of the United States;

*(c)* Canadian municipal securities;

*(d)* Promissory notes and bills of exchange secured by documentary title to wheat, oats, rye, barley, corn, buckwheat, flax or other commodity;

*(e)* Promissory notes and bills of exchange issued or drawn for agricultural, industrial, or commercial purposes and which have been used or are to be used for such purposes."

EXPLANATORY NOTES.

**1.** The purpose of this Bill is to authorize the Minister of Finance to make advances to the provinces of Canada on the pledge of securities, in a similar manner to the existing power to make advances to the banks. The section is re-enacted with the insertion of the underlined words in the text of the Bill. There is no other change.

Paragraph *(a)* of section 4, referred to in the amended section, reads as follows:—

"**4.** In case of war, invasion, riot or insurrection, real or apprehended, and in case of any real or apprehended financial crisis, the Governor in Council may, by proclamation published in the *Canada Gazette*,

*(a)* authorize the making of advances to the chartered banks and to the savings banks to which the Quebec Savings Banks Act applies, by the issue of Dominion notes upon the pledge of securities, deposited with the Minister, of such kind and amount as may be approved by the Treasury Board; such advances to be repayable at such times as the Board may determine with interest at a rate likewise determined by the Board of not less than five per cent per annum."

Third Session, Seventeenth Parliament, 22 George V, 1932

THE HOUSE OF COMMONS OF CANADA.

# BILL 24.

An Act respecting Unemployment and Farm Relief.

First reading, March 29, 1932.

The PRIME MINISTER.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
42787 1932

3rd Session, 17th Parliament, 22 Geo. V, 1932

THE HOUSE OF COMMONS OF CANADA.

# BILL 24.

An Act respecting Unemployment and Farm Relief.

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Validity of Act and proceedings thereunder notwithstanding date of expiration.

**1.** Notwithstanding the expiration of the *The Unemployment and Farm Relief Act, 1931*, chapter fifty-eight of the Statutes of 1931, by lapse of time, the provisions of the said Act, and all orders in council and regulations made thereunder, shall not be deemed to have expired on and to have ceased to be in force on and after the first day of March, 1932, but to have continued and to be in full force for all purposes thereof whatsoever until the first day of May, 1932, and all undischarged obligations created under the authority of the said Act, may be paid out of the Consolidated Revenue Fund as therein provided notwithstanding the expiration of the said Act on the first day of May, 1932.

Laid before Parliament.

**2.** All orders in council and regulations made under the provisions of this Act shall be laid before the House of Commons forthwith after the making thereof, if Parliament is then sitting, or if not, within the first fifteen days of the next ensuing session.

Construction.

**3.** *The Unemployment and Farm Relief Act, 1931*, and this Act, shall be read and construed as one Act, and this Act may be cited as *The Unemployment and Farm Relief Continuance Act, 1932.*

Short title.

Third Session, Seventeenth Parliament, 22 George V, 1932

THE HOUSE OF COMMONS OF CANADA.

# BILL 25.

An Act respecting debts due to the Crown.

First reading, March 2, 1932.

The MINISTER OF FINANCE.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
42778 1932

3rd Session, 17th Parliament, 22 Geo. V, 1932

THE HOUSE OF COMMONS OF CANADA.

# BILL 25.

An Act respecting debts due to the Crown.

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Deduction of sums due the Crown out of moneys due or payable by the Crown.

**1.** In any case where, in the opinion of the Minister of Justice, any provincial Government, municipality or corporation, or any public officer or functionary, or any private person or company, is indebted to His Majesty in the right of Canada in any specific sum of money, the Governor in Council may authorize the Minister of Finance to retain by way of deduction or set off the amount of any such indebtedness out of any sum or sums of money which may be due or payable by His Majesty in the right of Canada to any such persons or bodies respectively.

Third Session, Seventeenth Parliament, 22 George V, 1932

THE HOUSE OF COMMONS OF CANADA.

# BILL 26.

An Act to amend The Opium and Narcotic Drug Act, 1929.

First reading, March 7, 1932.

The MINISTER OF PENSIONS AND NATIONAL HEALTH.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
42692 1932

3rd Session, 17th Parliament, 22 Geo. V, 1932

THE HOUSE OF COMMONS OF CANADA.

# BILL 26.

An Act to amend The Opium and Narcotic Drug Act, 1929.

1929, c. 49.

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

**1.** Paragraph *(d)* of section two of *The Opium and Narcotic Drug Act, 1929*, chapter forty-nine of the Statutes of 1929, is repealed, and the following is substituted therefor:—

"drug" defined.

"*(d)* "drug" means and includes any substance mentioned in the schedule to this Act whether or not the same be produced in whole or in part by a synthetic process, and whether it be alone or in conjunction with any other substance mentioned in the schedule to this Act, or which may be added to such schedule under the authority of this Act;"

**2.** Paragraph *(i)* of section two of the said Act is repealed, and the following is substituted therefor:—

"opium" defined.

"*(i)* "opium" means and includes crude opium, powdered opium and opium wholly or partially prepared for any use or purpose, whatever its content of morphine may be;"

**3.** Paragraph *(a)* of subsection one of section eight of the said Act is repealed, and the following is substituted therefor:—

Liniments, ointments and other preparations excepted.

"*(a)* Any retail druggist may have in possession or may sell or distribute preparations and remedies which do not contain more than two grains of opium or more than one-fourth of a grain of morphine, or any salt or derivative of them, or more than two grains of soft extract of cannabis sativa or its equivalent, in one fluid ounce, or, of a solid or semi-solid preparation, in one avoirdupois ounce, or liniments, ointments, or

## Explanatory Notes.

The ratification of the Geneva Narcotic Convention of 1931 has necessitated certain changes in the Canadian Opium and Narcotic Drug Act to give effect thereto. Such necessary changes do not in any way affect the medical profession or retail druggists in this country, but do affect the narcotic wholesalers, representatives of whom have been consulted and who are in accord both with the Convention and the proposed legislation.

The principal change is designed, in accordance with our new international obligations, to bring Codeine under the import and export licence system insofar as its movement from one country to another is concerned, and at the same time preserve its present complete freedom in Canada, insofar as the Narcotic Act is concerned, once it reaches the wholesalers or retailers.

The Schedule of the Act and certain definitions are also recast, as a result of certain improvements in connection therewith contained in the Convention. The very large majority of the requirements of the new Convention are, however, already contained in the Canadian Narcotic Act.

Two minor changes are also submitted, which are not directly necessitated by the Convention, one in Section 8, designed to permit retail druggists to sell without prescription medicated preparations containing a specified small proportion of Cannabis Sativa, as they are already authorized to do in connection with similar medicated preparations containing small specified proportions of Opium or Morphine. The other is a drafting change in Section 20, prepared at the suggestion of the Department of Justice, to remove an existing misunderstanding with regard to the disposal of seized narcotics and paraphernalia for Opium smoking.

**1.** Section 2 *(d)* at present reads:—

"drug" means and includes any substance, whether alone or in conjunction with any other substance, mentioned in the schedule to this Act, or which may be added to such schedule under the authority of this Act;"

The amended definition provides for the control of drugs, wholly or partially produced by a synthetic process, as required by the 1931 Narcotic Convention.

**2.** Section 2 *(i)* at present reads:—

"opium" means and includes crude opium, powdered opium, and opium prepared for smoking, or in any stage of such preparation;"

The amended definition is somewhat wider and is designed to control opium included in liquids and used for drinking as distinct from smoking, and also for opium of varying morphine content, the definition in the 1931 Narcotic Convention specifying "whatever its content of Morphine."

**3.** Section 8 (1) *(a)* at present reads:—

"Any retail druggist may have in possession or may sell or distribute preparations and remedies which do not contain more than two grains of opium or more than one-fourth of a grain of morphine, or any salt or derivative of them in one fluid ounce, or, of a solid or semi-solid preparation, in one avoirdupois ounce, or liniments, ointments, or other preparations which are prepared for external skin use only and do not contain cocaine or any of its salts or preparations, if any such remedy or preparation contains active medicinal drugs other than narcotic in sufficient proportion to confer upon the preparation or remedy valuable medicinal qualities, other than those possessed by the narcotic drugs alone;"

The proposed amendment permits similar exemption for preparations or remedies containing a similar small quantity of Cannabis Sativa.

other preparations which are prepared for external skin use only and do not contain cocaine or any of its salts or preparations, if any such remedy or preparation contains active medicinal drugs other than narcotic in sufficient proportion to confer upon the preparation or remedy valuable medicinal qualities, other than those possessed by the narcotic drugs alone;"

**4.** Paragraph *(a)* of subsection one of section nine of the said Act is repealed, and the following is substituted therefor:—

"**9.** (1) any person who

Neglect to keep records.

*(a)* manufactures, imports or exports any drug mentioned in the schedule to this Act or sells or distributes any drug mentioned in Part I thereof, and neglects or refuses to keep the record required by any regulation made under this Act; or"

**5.** Section twenty of the said Act is repealed, and the following is substituted therefor:—

Drugs seized forfeited unless it is established that no offence was committed in connection therewith.

"**20.** Any opium pipe or other article referred to in section nineteen and any drug seized under the provisions of this Act, or found, shall, at the expiration of three months from such seizure or finding, be forfeited to His Majesty and delivered to the Minister to be disposed of as he may direct, unless within the said period of three months it is established to the satisfaction of the court that no offence has been committed in connection therewith, provided, however, that the provisions of the *Customs Act* shall apply to any drug unlawfully imported into Canada."

**6.** The said Act is further amended by inserting the following section immediately after section twenty-seven thereof:—

Application of certain sections of the Act.

"**27A.** The provisions of paragraph *(a)* of section four, except so far as they relate to importation or exportation, and of paragraphs *(d)* and *(e)* of the said section four, and sections five, six, seven, eight, ten, eleven, twelve, thirteen, sixteen and seventeen, of this Act, do not apply to the drugs mentioned in Part II of the schedule to this Act."

**4.** Section 9 (1) (a) at present reads:—

"Any person who

*(a)* manufactures, imports, exports, sells or distributes any drug and neglects or refuses to keep the record required by any regulations made by the Minister; or"

The proposed amendment is designed to exempt licensed importers and wholesalers from reporting the sale and distribution of Codeine, which drug is now being included in Part II of the new Schedule to the Act, while providing for reports in connection with its manufacture, import or export.

**5.** Section 20 at present reads:—

"(1) Any opium pipe or other article referred to in section nineteen and any drug seized under the provisions of this Act, or found shall, at the expiration of three months from such seizure or finding, be forfeited to His Majesty and delivered to the Minister to be disposed of as he may direct, unless within the said period of three months it is established to the satisfaction of the court that no offence has been committed in connection therewith.

"(2) The provisions of the *Customs Act* shall apply to any drug unlawfully imported into Canada."

The wording of the amended section is almost identical with that of the original, but in the opinion of the Justice Department it is desirable to incorporate both subsections into one in order to clear up any misunderstanding as to the original intention, i.e., to limit the application of the Customs Act to this and the preceding section; and not have it applicable to the whole legislation.

**6.** The Schedule of the Act is being divided into two parts, the only drug in Part II being Codeine. This section is designed to ensure that Codeine may, as at present, still be freely sold by wholesale and retail druggists and possessed by individuals, although, in accordance with the requirements of the Geneva Narcotic Convention of 1931, it is brought under international control when moving from one country to another.

Schedule amended.

**7.** The schedule to the said Act is repealed, and the following is substituted therefor:—

"SCHEDULE.

PART I.

(1) Opium or its preparations, or any opium alkaloids, or their derivatives, or salts or preparations of opium alkaloids or their derivatives, but not including codeine or apomorphine,

(2) Coca leaf, crude cocaine, or their preparations, or any coca alkaloids or their derivatives, or salts or preparations of coca alkaloids or their derivatives,

(3) Cannabis Sativa and its preparations,

(4) Eucaine or any salts or compounds thereof,

and, without in any way limiting the generality of (1), (2), (3) and (4) above,

(5) Morphine, its derivatives, or any salts or compounds thereof, but not including codeine or apomorphine,

(6) Diacetylmorphine and the other esters of morphine and their salts,

(7) Dihydrohydrooxycodeinone (of which the substance registered under the name of eucodal is a salt),

Dihydrocodeinone (of which the substance registered under the name of dicodide is a salt),

Dihydromorphinone (of which the substance registered under the name of dilaudide is a salt),

Acetyldihydrocodeinone or acetyldemethylodihydrothebaine (of which the substance registered under the name of acedicone is a salt),

Dihydromorphine (of which the substance registered under the name of paramorfan is a salt),

Their esters and the salts of any of these substances and of their esters;

Morphine-N-oxide (registered trade name genomorphine), the morphine-N-oxide derivatives, and the other pentavalent nitrogen morphine derivatives.

(8) Ecgonine, thebaine and their salts, benzylmorphine and the other ethers of morphine, and their salts, except methylmorphine (codeine) and its salts.

PART II.

Methylmorphine (codeine) and its salts."

Date of coming into force.

**8.** This Act shall come into force upon a date to be fixed by proclamation of the Governor in Council.

8. The 1931 Geneva Narcotic Convention was signed within a few weeks of its completion by some thirty-six countries, and it is understood that this has now increased to forty-four. It comes into effect ninety days after the League of Nations has received the ratifications or accessions of twenty-five nations, including any four of the following manufacturing countries: France, Germany, Great Britain, Japan, The Netherlands, Switzerland, Turkey and the United States. Seven of these eight nations have already signed. The actual date of the coming into effect of the Convention is not susceptible of exact anticipation and it is necessary therefore to provide that these amendments to the Canadian Narcotic Act should come into effect upon a date to be proclaimed by the Governor-General in Council, which date would normally be during the period of ninety days elapsing between the receipt of the necessary number of ratifications by the League of Nations and the coming into force of the Convention.

Third Session, Seventeenth Parliament, 22 George V, 1932

THE HOUSE OF COMMONS OF CANADA.

# BILL 27.

An Act to amend the Excise Act.

First reading, March 7, 1932.

The MINISTER OF NATIONAL REVENUE.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
42637 1932

3rd Session, 17th Parliament, 22 Geo. V, 1932

THE HOUSE OF COMMONS OF CANADA.

# BILL 27.

An Act to amend the Excise Act.

R.S., c. 60; 1928, c. 24; 1929, c. 41; 1930, c. 18.

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

**1.** Paragraph *(h)* of section two of the *Excise Act*, chapter sixty of the Revised Statutes of Canada, 1927, is repealed and the following substituted therefor:—

"Provincial analyst."

"*(h)* 'provincial analyst' means any analyst appointed by the Government of any province and having authority to make any analysis for any public purpose."

Power to refuse or suspend licence.

**2.** Section ten of the said Act, as enacted by section two of chapter twenty-four of the statutes of 1928, is amended by adding thereto the following subsection:—

Commissioner may act.

"(2) The Minister may authorize the Commissioner of Excise to exercise on his behalf the powers, or any of them, conferred on him by this section."

**3.** Subsection one of section one hundred and twenty-seven of the said Act as enacted by section four of chapter twenty-four of the statutes of 1928, is repealed and the following substituted therefor:—

Recovery of penalties.

"**127.** (1) Every penalty or forfeiture incurred and any punishment for any offence against the provisions of this Act, or any other law relating to excise, may be sued for and recovered, or may be imposed *(a)* before the Exchequer Court of Canada or any court of record having jurisdiction

In Exchequer Court.

## EXPLANATORY NOTES

**1.** The repealed paragraph reads as follows:—

"*(h)* 'provincial analyst' means an analyst in the employment of the Government of any of the provinces of Canada;"

It is found convenient at certain points at which there are no chemists in the employment of the Dominion or provincial Governments to utilize the services of certain chemists who are authorized to perform analyses for the provincial liquor commissions.

Doubt has arisen as to whether such persons are provincial analysts for the purposes of subsection 3 of section 176 which reads as follows:—

"In every prosecution under this Act, the certificate of analysis furnished by a departmental analyst or by a provincial analyst shall be accepted as *prima facie* evidence of the facts stated therein and of the authority of the person giving or issuing such certificate without further proof of appointment or signature."

It is the object of the amendment to remove this doubt. The words added follow the language of paragraph *(l)* of section 2 of the *Opium and Narcotic Drugs Act*, R.S.C. 1927, chapter 144.

**2.** The object of the amendment is to relieve the Minister of the necessity of dealing personally with minor cases of breach of privilege.

**3.** The section as it stands provides for trial of excise offences before a judge of a county court, or before a police or stipendiary magistrate or any two justices of the peace. There are other functionaries vested by the provincial legislatures with the powers of two justices of the peace, e.g., the chief magistrates of Prince Edward Island, but who do not come within any of the classes specifically described above. Doubt has arisen as to whether such persons have jurisdiction to try offences under the Excise Act, and it is thought expedient to confer such jurisdiction upon them specifically.

in the premises; or *(b)* if the amount or value of such penalty or forfeiture does not exceed five thousand dollars, and such punishment does not exceed twelve months imprisonment with hard labour, whether the offence in respect of which it has been incurred is declared by this Act to be an indictable offence or not, by summary conviction, under the provisions of the *Criminal Code* relating thereto, before a police or stipendiary magistrate or any two justices of the peace having jurisdiction in the place where the cause of prosecution arises or wherein the defendant is served with process or before any functionary, tribunal or person empowered by the proper legislative authority to perform acts usually required to be done by two or more justices of the peace and acting within the local limits of his or its jurisdiction." 1928, c. 24, s. 4 am.

By summary conviction.

Procedure.

**4.** (1) Paragraph *(b)* of section one hundred and twenty-eight of the said Act is repealed and the following substituted therefor:—

"*(b)* if such term of imprisonment does not exceed twelve months, exclusive of any term of imprisonment which may be adjudged or ordered for non-payment of any pecuniary penalty, whether the offence in respect of which the liability to imprisonment has been incurred is declared by this Act to be an indictable offence or not, by summary conviction under the provisions of the *Criminal Code*, relating thereto, by a police or stipendiary magistrate or any two justices of the peace having jurisdiction in the place where the cause of prosecution arises or wherein the defendant is served with process, or by any functionary, tribunal or person empowered by the proper legislative authority to perform acts usually required to be done by two or more justices of the peace and acting within the local limits of his or its jurisdiction.

Imprisonment adjudged on summary conviction.

Procedure.

**5.** Section one hundred and twenty-nine of the said Act is repealed and the following substituted therefor:—

"**129.** If any prosecution in respect of an offence against any provisions of this Act is brought before a police or stipendiary magistrate, or before any two justices of the peace, no other justice of the peace shall sit or take part therein: Provided, however, that in any city or district in which there are more than one police or stipendiary magistrate such prosecution may be tried before any one of such police or stipendiary magistrates."

Who may try offence.

The subsection to be repealed was enacted in chapter 24 of the statutes of 1928 and reads as follows:—

"127. Every penalty or forfeiture incurred and any punishment for any offence against the provisions of this Act, or any other law relating to excise, may be sued for and recovered, or may be imposed

*(a)* before the Exchequer Court of Canada or any court of record having jurisdiction in the premises; or

*(b)* if the amount or value of such penalty or forfeiture does not exceed five thousand dollars, and such punishment does not exceed twelve months imprisonment with hard labour, whether the offence in respect of which it has been incurred is declared by tbis Act to be an indictable offence or not, by summay conviction, under the provisions of the *Criminal Code* relating thereto, *before a judge of a county court*, or before a police or stipendiary magistrate, or any two justices of the peace having jurisdiction in the place where the cause of prosecution arises, or wherein the defendant is served with process.

The words underlined on the opposite page are substituted for the following: *"before a fudge of a county court, or before a police or stipendiary magistrate, or any two justices of the peace having jurisdiction in the place where the cause of prosecution arises, or wherein the defendant is served with process."*

**4.** The changes in this section are to make it comport with the amendments to section 127.

Section 128 reads as follows:—

"128. Any term of imprisonment imposed for any offence against the provisions of this Act, whether in conjunction with a pecuniary penalty or not, may be adjudged and ordered

*(a)* by the Exchequer Court of Canada, or any court of record having jurisdiction in the premises; or

*(b)* if such term of imprisonment does not exceed twelve months, exclusive of any term of imprisonment which may be adjudged or ordered for nonpayment of any pecuniary penalty, whether the offence in respect of which the liability to imprisonment has been incurred is declared by this Act to be an indictable offence or not, by summary conviction under the provisions of the Criminal Code relating thereto by *a judge of a county court*, or by a police or stipendiary magistrate, or any two justices of the peace having jurisdiction in the place where tho cause of prosecution arises, or wherein the defendant is served with process."

**5.** The section to be repealed reads as follows:—

"129. If any prosecution in respect of an offence against any provision of this Act is brought before *a judge of a county court*, or before a police or stipendiary magistrate, or before any two justices of the peace, no other justice of the peace shall sit or take part therein: Provided, however, that in any city or district in which there are more than one *judge of a county court*, or more than one police or stipendiary magistrate, such prosecution may be tried before any one of such *judges or* police or stipendiary magistrates."

**6.** Subsection one of section one hundred and thirty-three of the said Act is repealed and the following substituted therefor:—

Penalties belong to Crown.

"**133.** All forfeitures and penalties under this Act, after deducting the expenses in connection therewith, shall belong to His Majesty for the public uses of Canada; Provided that

Division among persons seizing.

*(a)* the net proceeds of any penalty or forfeiture imposed or made in respect of persons licensed under this Act, or any portion thereof, may be divided between and paid to any officer holding a rank not higher than that of special exciseman, and any person having given information or otherwise aided in effecting the condemnation of the goods or things seized or the recovery of the penalty; and

Idem.

*(b)* the net proceeds of any penalty or forfeiture imposed or made in respect of persons not licensed under this Act, or any portion thereof may be divided between and paid to any officer by whom the seizure was made or the information given on which the prosecution was founded, and any person having given information or otherwise aided in effecting the condemnation of the goods or things seized or the recovery of the penalty; and such division and payment may in such cases be made in such proportions as the Governor in Council in any case or class of cases directs and appoints.

**7.** Subsection four of section one hundred and sixty-seven of the said Act, as enacted by section eight of chapter eighteen of the statutes of 1930, is repealed and the following substituted therefor:—

When spirits may be entered for consumption.

"(4) No spirits subject to excise, which have not been warehoused for at least two years, except that class of spirits commonly known as gin, shall be entered for consumption: Provided, however, that spirits when testing not less than fifty per centum over-proof may be entered ex-warehouse for consumption at any date after manufacture if sold and delivered for scientific purposes only to any university, scientific or reasearch laboratory approved by the Minister, or to druggists as defined in section one hundred and fifty of this Act, for use in preparing, manufacturing, compounding or dispensing medicines and pharmaceutical preparations under regulations to be made by the Minister."

**8.** Section one hundred and sixty-eight of the said Act is repealed and the following substituted therefor:—

Equivalent how determined.

"**168.** The Governor in Council may, by regulation, fix the quantity or the mode of determining the quantity of spirits, which shall be held to be equivalent to any assigned weight of molasses."

**6.** The first four lines of the repealed subsection are as follows:—"133. All forfeitures and penalties under this Act after deducting the expenses in connection therewith, shall, unless it is otherwise expressly provided, belong to His Majesty for the public uses of Canada".

The amendment consists in effect in striking out the phrase underlined above. The amendment is made desirable by an anomalous situation created by the fact that under section 40 of the Public Prisons and Reformatories Act, it has been held that the fines, which it was clearly intended should belong to the Dominion, are payable to the Province merely because a prisoner who has been removed from one institution to another during the course of his imprisonment has, after such removal, paid a fine imposed upon him.

**7.** The amendment consists in extending to druggists as defined in section 150 of the Act, i.e., retail druggists, including any person who is registered, licensed or authorized under thellaw of any province to carry on the business of preparing, manufacturing, compounding or dispensing medicines, etc., the privilege already given to universities and scientific or research laboratories approved by the Minister, of purchasing from distillers, to be used for the above purposes only, and under regulations to be made by the Minister, spirits aubject to excise which have not been warehoused for at least two years.

The restriction on the sale of unmatured spirits is intended to protect the public from the sale of unmatured spirits for beverage purposes, but freshly distilled spirits are as good as matured spirits for the purposes for which they are required by druggists and the existing requirement of at least two years' warehousing increases of necessity the price to the consumer of medicines, etc., without benefiting either the druggist or the distiller.

The amendment is made by inserting in the subsection the words underlined on the opposite page.

**8.** The section as it stands permits distillers who import molasses to take it out of bond for consumption without paying customs duty. This is contrary to the provisions of the Customs Tariff Act and the amendment is designed to correct the anomaly.

The amendment is made by repealing subsections one and two of section 168 which reads as follows:—

"**168.** Molasses imported into Canada may be removed in bond, without the payment of duties of customs thereon, into a licensed distillery, and there used in the manufacture of spirits, subject to regulations made by the Governor in Council under this or any Act respecting the Excise.

2. When the collector or other proper officer certifies that the molasses has been so used, the bonds given in that behalf shall be cancelled.

3. The Governor in Council may, by regulation, fix the quantity or the mode of determining the quantity of spirits which shall be held to be equivalent to any assigned weight of molasses."

**9.** Section two hundred and nineteen of the said Act, as enacted by chapter eighteen of the statutes of 1930, is repealed and the following substituted therefor:—

Duties of excise on every pound of screened malt.

"**219.** There shall be imposed, levied and collected the following duties of excise on all malt, which shall be paid to the Collector, as by this Act provided, that is to say:—

*(a)* On every pound of screened malt (malt from which the coomings have been removed) manufactured in Canada, subject to excise regulations with respect to absorption of moisture in warehouse, three cents: Provided that malt may be removed from a malthouse to a distillery in bond and the duty on such malt may be remitted upon proof satisfactory to the Department that such malt has been used solely for the production of spirits, in which production no other material than malt is used; and provided further that malt used, in any licensed bonded manufactory, in the manufacture of malt extract or other similar medicinal preparation approved by the Department or in the preparation of any malt product approved by the Governor in Council may have duty thereon remitted under such regulations as the department establishes.

On every pound of malt imported.

*(b)* On every pound of malt imported into Canada and warehoused, when taken out of bond for consumption, an excise duty of three cents: Provided that malt imported into Canada, crushed or ground, shall be subject to a duty of five cents per pound."

Removal of tobacco in bond.

**10.** Section three hundred and ten of the said Act is hereby repealed.

**11.** Subsection one of section one hundred and seventy-six of the French version of the said Act is amended by repealing the last eleven lines thereof and substituting the following therefor:

Peine pour distillation sans permis.

«est coupable d'un acte criminel et passible, après déclaration sommaire de culpabilité, pour la première contravention, d'une amende de deux cents dollars au moins et de deux mille dollars au plus, et d'un emprisonnement d'un à douze mois, avec ou sans travaux forcés, et à défaut de paiement de l'amende, d'un autre emprisonnement de six à douze mois, et, pour toute récidive, d'une amende de cinq cents dollars au moins et de deux mille dollars au plus et d'un emprisonnement, avec travaux forcés, de six à douze mois, et, à défaut de paiement de l'amende, d'un autre emprisonnement de même durée qui celui déjà imposé par la cour pour la récidive.»

**9.** The section was amended by chapter 18 of the statutes of 1930 to provide for the manufacture in bond, free of duty, of malt food products, the proviso inserted being as follows:—

"and provided further, that malt used in any licensed, bonded manufactory in the manufacture . . . . of any malt food products approved by the Governor in Council may have duty thereon remitted under such regulations as the Department establishes."

It has been made to appear that there is a considerable market for certain malt products which are not food, in connection with the manufacture of textiles and in laundries. The present amendment, which consists, in effect, in striking out the word "food", is designed to enable malt to be used for these purposes, without payment of duty, it being the spirit and intention of the Act to tax only the use of malt for the production of alcoholic beverages.

**10.** The section to be repealed was first enacted in 1883. Since that time, but particularly in recent years, an evolution has occurred in methods of marketing tobacco and cigars, small packages of both classes now being in popular favour. The section as it stands is thought to have become unnecessarily onerous, and it is considered it should be repealed. Said section reads as follows:—

"**310.** No tobacco of any description when put up in packages containing less than five pounds, and no cigars when put up in packages containig less than twenty-five cigars each, shall be removed in bond from one warehouse to another, whether within the same or any other excise division: Provided, however, that such tobacco and cigars may be so removed under such regulations as may be made by the Minister when such tobacco or cigars are intended for shipment as ship's stores."

**11. 2, 13.** The French version is amended so that its meaning be made perfectly clear. The words underlined are new. In French the word "*cent*" means either hundred or "cent" as in English. Therefore if the word dollars be not added after "*deux cents*," for instance in the expression "*deux cents a deux mille dollars*" it might mean "two cents" instead of "two hundred (dollars)".

**12.** Subsection one of section two hundred and four of the French version of the said Act is repealed and the following substituted therefor:—

Ajouter des matières sans en faire rapport.

"**204.** (1) Tout brasseur qui ajoute au malt apporté dans sa brasserie, de la farine, des grains bruts ou autres matières, ou qui met dans sa cuve, matière ou mélange avec son moût du sirop, du sucre ou d'autre matière saccharine, sans en faire un rapport fidèle au préposé qu'il appartient, ou sans l'inscrire dans les livres ou dans les comptes tenus ou qu'il est tenu de tenir en vertu des règlements établis en exécution de la présente loi, encourt, pour la première contravention, une amende de cent dollars, et, pour toute récidive, une amende de deux cents dollars au moins et de trois cents dollars au plus."

Amende.

**13.** Section three hundred and forty-eight of the French version of the said Act, is amended by repealing the last five lines thereof and substituting the following therefor:—

Peine.

"encourt, pour chaque contravention, une amende de deux cents dollars au moins et de mille dollars au plus; et tous les articles sujets à l'accise trouvés dans l'établissement où la contravention a été commise sont confisqués au profit de la Couronne et traités en conséquence."

Third Session, Seventeenth Parliament, 22 George V, 1932

THE HOUSE OF COMMONS OF CANADA.

# BILL 28.

An Act to amend the Criminal Code (Promoting changes).

Introduced, March 7, 1932.

Mr. WOODSWORTH.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
42782 1932

3rd Session, 17th Parliament, 22 Geo. V, 1932

THE HOUSE OF COMMONS OF CANADA.

# BILL 28.

An Act to amend the Criminal Code (Promoting changes).

R.S., c. 36.

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

**1.** Subsection one of section ninety-eight of the *Criminal Code*, chapter thirty-six of the Revised Statutes of Canada, 1927, is repealed and the following is substituted therefor:—

Unlawful associations.

"**98.** (1) Any association, organization, society or corporation, whose professed purpose or one of whose purposes is to bring about any governmental, industrial or economic change within Canada by use of physical force, violence or physical injury to person or property, or by threats of such injury, or which teaches, advocates, advises or defends the use of physical force, violence, terrorism, or physical injury to person or property, or threats of such injury, in order to accomplish such change, or for any other purpose, or which shall by any means prosecute or pursue such purpose or professed purpose, or shall so teach, advocate, advise or defend, shall be an unlawful association."

Property seized and forfeited.

**2.** Subsection two of section ninety-eight of the said Act is repealed.

Subsection renumbered.

**3.** Subsection three of section ninety-eight of the said Act is renumbered as subsection two.

## Explanatory Notes.

This is an attempt to clarify and to remove some of the more objectionable subsections of section 98 of the Criminal Code. The word "physical" is inserted before the word "force." According to the proposed amendment seizure of property can be made only after a search warrant has been issued, and such property may be confiscated only when the charges are proven. The burden of proof of innocence is removed from the accused.

**1.** The only change in subsection one is the inserting of the underlined word "physical" before the word force.

**2.** Subsection two, to be repealed reads as follows :—

"(2) Any property, real or personal, belonging or suspected to belong to an unlawful association, or held or suspected to be held by any person for or on behalf thereof may, without warrant, be seized or taken possession of by any person thereunto authorized by the Commissioner of the Royal Canadian Mounted Police, and may thereupon be forfeited to His Majesty."

**3.** Subsection three which is not changed, but only renumbered, reads as follows:—

"(3) Any person who acts or professes to act as an officer of any such unlawful association, and who shall sell, speak, write or publish anything as the representative or professed representative of any such unlawful association, or become and continue to be a member thereof, or wear, carry or cause to be displayed upon or about his person or elsewhere, any badge, insignia, emblem, banner, motto, pennant card, button or other device whatsoever, indicating or intended to show or suggest that he is a member of or in anywise associated with any such unlawful association, or who shall contribute anything as dues or otherwise, to it or to any one for it, or who shall solicit subscriptions or contributions for it, shall be guilty of an offence and liable to imprisonment for not more than twenty years."

Evidence of membership.

**4.** Subsection four of section ninety-eight of the said Act is repealed.

**5.** Subsection five of section ninety-eight of the said Act is repealed and the following is substituted therefor, as subsection three:—

Owner, etc., of building who knowingly permits meeting liable.

"(3) Any owner, lessee, agent or superintendent of any building, room, premises or place, who knowingly permits therein any meeting of an unlawful association or any subsidiary association or branch or committee thereof, or any assemblage of persons who teach, advocate, advise or defend the use, without authority of the law, of physical force, violence or physical injury to person or property, or threats of such injury, shall be guilty of an offence under this section and shall be liable to a fine of not more than five thousand dollars or to imprisonment for not more than five years, or to both fine and imprisonment."

**6.** Subsection six of section ninety-eight of the said Act is repealed and the following is substituted therefor as subsection four:—

Search warrant may be issued.

"(4) If any judge of any superior or county court, police or stipendairy magistrate, or any justice of the peace, is satisfied by information on oath that there is reasonable ground for suspecting that any contravention of this section has been committed, he may issue a search warrant under his hand, authorizing any peace officer, police officer, or constable with such assistance as he may require, to enter at any time any premises or place mentioned in the warrant, and to search such premises or place, and every person found therein, and to seize and carry away any books, periodicals, pamphlets, pictures, papers, circulars, cards, letters, writings, prints, handbills, posters, publications or documents which are found on or in such premises or place, or in the possession of any person therein at the time of such search, and the same, when so seized, may be carried away and, if the charges are proven, may be forfeited to His Majesty."

Procedure.

**7.** Subsection seven of section nineth-eight of the said Act is renumbered as subsection five.

**8.** Subsection eight of section ninety-eight of the said Act is repealed and the following is substituted therefor, as subsection six:—

Publishing, etc., seditious books, etc.

"(6) Any person who prints, publishes, edits, issues, circulates, sells or offers for sale or distribution any book, newspaper, periodical, pamphlet, picture, paper circular, card, letter, writing, print, publication or document of any kind, in which is taught, advocated, advised or defended, or who shall in any manner teach, advocate, or advise or defend the use, without authority of law, of physical force, violence, terrorism, or physical injury to person or property, or threats of such injury, as a means of accomplishing any governmental, industrial, or economic change or otherwise, shall be guilty of an offence, and liable to imprisonment for not more than twenty years."

Subsection renumbered.

**9** Subsecton nine of section niney-eight of the said Act is renumbered as subsection seven.

Importing publications, etc.

**10.** Subsection ten of section ninety-eight of the said Act is repealed.

Duty of Government employees.

**11.** Subsection eleven of section ninety-eight of the said Act is repealed.

**4.** Subsection four, to be repealed, reads as follows:—

"(4) In any prosecution under this section, if it be proved that the person charged has

*(a)* attended meetings of an unlawful association; or

*(b)* spoken publicly in advocacy of an unlawful association; or

*(c)* distributed literature of an unlawful association by circulation through the Post Office mails of Canada, or otherwise,

it shall be presumed, in the absence of proof to the contrary, that he is a member of such unlawful association."

**5.** The only change in subsection five is the inserting of the underlined word "physical" before the word force.

**6.** Subsection six is amended by striking out the words (in italics below) "or is about to be," and also by inserting the words (underlined on the opposite page) "if the charges are proven" before the words "may be forfeited to H. M." at the end of the subsection.

Subsection six at present reads as follows:—

"(6) If any judge of any superior or county court, police or stipendary magistrate, or any justice of the peace, is satisfied by information on oath that there is reasonable ground for suspecting that any contravention of this section has been *or is about to be* committed, he may issue a search warrant under his hand, authorizing any peace officer, police officer, or constable with such assistance as he may require, to enter at any time any premises or place mentioned in the warrant, and to search such premises or place, and every person found therein, and to seize and carry away any books, periodicals, pamphlets, pictures, papers, circulars, cards, letters, writings, prints, handbills, posters, publications or documents which are found on or in such premises or place, or in the possession of any person therein at the time of such search, and the same, when so seized, may be carried away and may be forfeited to His Majesty."

**7.** Subsection seven, which is not changed, but only renumbered reads as follows:—

"(7) Where, by this section, it is provided that any property may be forfeited to His Majesty, the forfeiture may be adjudged or declared by any judge of any superior or county court, or by any police or stipendiary magistrate, or by any justice of the peace, in a summary manner, and by the procedure provided by Part XV of this Act, in so far as applicable, or subject to such adaptations as may be necessary to meet the circumstances of the case."

**8.** The only change in subsection eight is the inserting of the underlined word "physical" before the word force.

**9.** Subsection nine, which is not changed, but only renumbered reads as follows:—

"(9) Any person who circulates or attempts to circulate or distribute any book, newspaper, periodical, pamphlet, picture, paper, circular, card, letter, writing, print, publication, or document of any kind, as described in this section, by mailing the same or causing the same to be mailed or posted in any Post Office, letter box, or other mail receptacle in Canada, shall be guilty of an offence, and shall be liable to imprisonment for not more than twenty years."

**10.** Subsection ten, to be repealed reads as follows:—

"(10) Any person who imports into Canada from any other country, or attempts to import by or through any means whatsoever, any book, newspaper, periodical, pamphlet, picture, paper, circular, card, letter, writing, print, publication or document of any kind as described in this section, shall be guilty of an offence and shall be liable to imprisonment for not more than twenty years."

**11.** Subsection eleven, to be repealed reads as follows:—

"(11) It shall be the duty of every person in the employment of His Majesty in respect of His Government of Canada, either in the Post Office Department, or in any other Department to seize and take possession of any book, newspaper, periodical, pamphlet, picture, paper, circular, card, letter, writing, print, publication or document, as mentioned in this section, upon discovery of the same in the Post Office mails of Canada or in or upon any station, wharf, yard, car, track, motor or other vehicle, steamboat or other vessel upon which the same may be found and when so seized and taken, without delay to transmit the same, together with the envelopes, coverings and wrappings attached thereto, to the Commissioner of the Royal Canadian Mounted Police."

Third Session, Seventeenth Parliament, 22 George V, 1932

THE HOUSE OF COMMONS OF CANADA.

# BILL 29.

An Act to amend the Railway Act.

First reading, March 9, 1932.

Mr. NICHOLSON.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
43504 1932

3rd Session, 17th Parliament, 22 Geo. V, 1932

THE HOUSE OF COMMONS OF CANADA.

# BILL 29.

An Act to amend the Railway Act.

R.S., c. 170.

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

The *Railway Act*, chapter one hundred and seventy of the Revised Statutes of Canada, 1927, is amended as follows:—

**1.** Section one hundred and seventy-nine of the said Act is repealed, and the following is substituted therefor:—

Unauthorized changes forbidden.

"**179.** The Company shall not, at any time, make any change, alteration or deviation in the railway, or any portion thereof, until the provisions of the last preceding section are fully complied with, nor remove, close or abandon any station or divisional point, nor create a new divisional point, nor make any change in the routing of traffic, nor run crews through divisional points where their homes are established, nor make any other change which would involve the removal of employees without leave of the Board; and where any such change is made the Company shall compensate its employees as the Board deems proper for any financial loss caused to them by change of residence necessitated thereby. No such change shall be made or authorized without thirty days' notice of the intended change to the employees concerned."

Compensation.

Notice.

Exemption of certain structures.

**2.** Section two hundred and fifty of the said Act is amended by adding at the end of subsection five thereof the following:—

"provided that no exemption shall be made from the operation of this section nor any change made in the standards fixed by this section until due notice of hearing is first given to all parties interested."

## Explanatory Notes.

**1.** The purpose of the proposed amendment to section 179 is to empower the Board to order that railway employees shall be compensated in event of financial loss to them occasioned by change of residence necessitated by any change outlined in the proposed section; also that thirty days' notice shall be given the employees of any such intended change. The underlined words in the text of the Bill show the proposed changes.

**2.** Subsection (5) of section two hundred and fifty reads as follows:—

"(5) The Board may exempt from the operation of this section any bridge, tunnel, erection, or structure, over, through or under which it is satisfied no trains, except such as are equipped with air brakes, are run."

The underlined portion in the text of the Bill shows the proposed addition to that subsection and is self-explanatory.

Third Session, Seventeenth Parliament, 22 George V, 1932

THE HOUSE OF COMMONS OF CANADA.

# BILL 30.

An Act to amend the Yukon Quartz Mining Act.

First reading, March 9, 1932.

The MINISTER OF THE INTERIOR.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
43147 1932

3rd Session, 17th Parliament, 22 Geo. V, 1932

THE HOUSE OF COMMONS OF CANADA.

# BILL 30.

An Act to amend the Yukon Quartz Mining Act.

R.S., c. 217.

HIS MAJESTY by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

**1.** Section fifty-four of the *Yukon Quartz Mining Act*, chapter two hundred and seventeen of the Revised Statutes of Canada, 1927, is amended by adding thereto the following subsection.

Moratorium on annual representation work.

"(3) The Governor in Council may, by regulation, upon the report of the Minister that due to the market price of metals and other general conditions over which the owners of mineral claims exercise no control, the margin of profit which might reasonably be derived from the efficient and economical operation of such claims has, in the opinion of the Minister, been practically eliminated or for any other reason which to the Minister may appear to be sufficient, grant such relief as to the annual representation work or payment in lieu thereof as may be necessary under the circumstances. All regulations made under this section shall be laid before both Houses of Parliament within the first fifteen days of the session next after the date thereof."

**2.** The said section fifty-four is further amended by adding thereto the following subsections:—

Misrepresentation, or removing, or destroying posts or marks.

"(4) Should it be proved to the satisfaction of the mining recorder that any person has:—

*(a)* been guilty of misrepresentation in any of the statements required under this Act to be made by him under oath, or

*(b)* removed or destroyed with intent to remove, or defaced any legal post or stake or other mark placed under the provisions of this Act,

Order of mining recorder.

the mining recorder may, in his discretion, order that such person be debarred from the right to obtain entry for, or a certificate of work in connection with, any

## Explanatory Notes.

**1.** The present economic depression which has caused an abnormal drop in the price of all metals, except gold, renders it exceedingly difficult for the holders of mineral claims to finance the cost of the annual representation work or payment in lieu thereof. This amendment will permit the Governor in Council to grant a moratorium in connection with such representation work.

**2.** The Gold Commissioner at Dawson, Y.T., has suggested a penalty clause to prevent misrepresentation as to work claimed to have been done upon a mineral claim.

mineral claim for any length of time the mining recorder deems advisable.

Appeal.

"(5) An appeal shall lie from any such decision of the mining recorder to the Gold Commissioner."

Third Session, Seventeenth Parliament, 22 George V, 1932

THE HOUSE OF COMMONS OF CANADA.

# BILL 31.

An Act respecting certain patents of Autographic Register Systems, Limited.

First reading, March 14, 1932.

(PRIVATE BILL)

Mr. ANDERSON (Toronto-High Park).

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
41339 1932

3rd Session, 17th Parliament, 22 Geo. V, 1932

HOUSE OF COMMONS OF CANADA.

# BILL 31.

An Act respecting certain patents of Autographic Register Systems, Limited.

Preamble 1921, c. 78.

R.S., 1906, c. 79.

R.S., 1906, c. 69.

1921, c. 44.

WHEREAS in the year 1921 Authographic Register Systems, Limited, a corporation duly constituted by letters patent issued under the *Companies' Act*, applied by petition for the enactment of a special Act authorizing the Commissioner of Patents to issue patents on certain patent applications bearing serial numbers 251,600 and 251,601, which in consequence of negl gence for which the petitioner was not responsible had been filed only after the inventions therein described had been in public use for more than one year, and were consequently too late having regard to the provisions of the *Patent Act* as it then stood; and whereas on such petition, chapter seventy-eight of the statutes of 1921, was accordingly passed and assented to on the 4th day of June, 1921, the Commissioner of Patents being thereby empowered to issue patents on the said applications on the conditions in the said chapter set out; and whereas by a general Act to amend the *Patent Act* assented to on the same day the *Patent Act* was so amended as to entitle Autographic Register Systems, Limited to the issue of patents on the applications aforesaid independently of the special Act and on conditions different from those therein set out; and whereas the Commissioner of Patents issued patents accordingly on the said applications in pursuance of the Act to amend the *Patent Act*; and whereas doubts have arisen as to whether the *Patent Act* as amended as aforesaid or the special Act should be deemed to apply to the patents in question, and it is desirable to resolve such doubts; Therefore His Majesty, by and with the advice and consent of the Senate and the House of Commons of Canada, enacts as follows:—

1921, c. 78; repealed.

**1.** The special Act of Parliament assented to on the 4th day of June, 1921, being chapter seventy-eight of the statutes of 1921, is hereby repealed.

Third Session, Seventeenth Parliament, 22 George V, 1932

THE HOUSE OF COMMONS OF CANADA.

# BILL 32.

An Act respecting the Ottawa and New York Railway Company.

First reading, March 14, 1932.

(PRIVATE BILL)

Mr. SHAVER.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
41133 1932

3rd Session, 17th Parliament, 22 Geo. V, 1932

THE HOUSE OF COMMONS OF CANADA.

# BILL 32.

An Act respecting the Ottawa and New York Railway Company.

1897, c. 57; 1898, c. 82; 1905, c. 141; 1915, c. 50. Preamble.

WHEREAS the Ottawa and New York Railway Company and its lessee, The New York Central Railroad Company have by their petition prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

R.S., c. 170. (Agreements for sale, lease and amalgamation). Power to enter into agreement with toll bridge company.

**1.** Subject to the provisions of sections one hundred and fifty one, one hundred and fifty-two, and one hundred and fifty-three of the *Railway Act*, the Ottawa and New York Railway Company and its lessee, The New York Central Railroad Company, may enter into an agreement with any toll bridge company duly incorporated either under the laws of the State of New York, one of the United States of America, or under the laws of the Dominion of Canada, giving to such toll bridge company the right to construct a passage, floor or way for horses, carriages, automobiles and foot passengers, on or in connection with the portion of the railway bridge of the Ottawa and New York Railway Company across the Cornwall Canal and across the St. Lawrence River at or near the Town of Cornwall, situated within the Dominion of Canada, and to make such alterations therein and to construct such approaches thereto as may be necessary or desirable; and giving to such toll bridge company the further right to charge and collect tolls or fares from persons using such bridge.

Plans to be submitted and approved before construction commenced.

**2.** The said toll bridge company shall not commence the construction of any such passage, floor or way, or the construction of any approaches to the said bridge, or the making of any alterations thereto, until it has submitted to the Governor in Council plans of such passage, floor

or way, and of such approaches and alterations and of all the intended works thereto appertaining, nor until such plans have been approved by the Governor in Council and such conditions as he has thought fit to impose in the public interest and for the security of navigation, touching the said bridge and works have been complied with, nor shall any such plan so approved be altered, or any deviation therefrom be allowed, excepting with the permission of the Governor in Council, and upon such conditions as he may impose.

Bylaws, rules and regulations to be approved.

**3.** (1) Any such toll bridge company may make, amend, repeal, re-enact and enforce all such bylaws, rules and regulations as seem to them proper and necessary as to the management, control and use of the said bridge, and as to the tolls and fares to be received and charged for passing the same.

(2) All such bylaws, rules and regulations, and tariffs of tolls and fares, and every amendment or re-enactment thereof, shall be subject to the approval of the Governor in Council.

Third Session, Seventeenth Parliament, 22 George V, 1932

THE HOUSE OF COMMONS OF CANADA.

# BILL 33.

An Act respecting The Montreal Central Terminal Company

First reading March 16, 1932.

(PRIVATE BILL)

MR. BELL,
(St. Antoine.)

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
42210 1932

3rd Session, 17th Parliament, 22 Geo. V, 1932

THE HOUSE OF COMMONS OF CANADA.

# BILL 33.

An Act respecting The Montreal Central Terminal Company.

Preamble.

1890, c. 93; 1891, c. 106; 1894, c. 63; 1897, c. 67; 1905, c. 127; 1909, c. 109; 1912, c. 120; 1912, c. 121; 1917, c. 56.

WHEREAS The Montreal Central Terminal Company has by its petition represented that it is desirous of obtaining an extension of time for commencement of construction and for completion of the works of the Company and for other purposes, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Extension of time for construction and completion.

**1.** The Montreal Central Terminal Company, hereinafter called "the Company", may, within two years after the passing of this Act, commence the construction of the works mentioned in section two of chapter one hundred and nine of the statutes of 1909, and expend fifteen per cent of the amount of its capital stock thereon, including amount heretofore expended, and may within five years after the passing of this Act, complete the works mentioned in section two of the said chapter, and if, within the said periods respectively, such commencement and such expenditure are not so made, or any of the said works are not completed and put in operation, the powers of construction conferred upon the Company by Parliament shall cease and be null and void, as respects so much of the said works as then remains uncompleted.

**2.** Section four of chapter one hundred and nine of the statutes of 1909 is repealed and the following is substituted therefor:—

Stations.

"**4.** The Company may construct, own, maintain, and operate one or more freight and passenger stations, elevators, warehouses and general freight and passenger terminal facilities in and about the city of Montreal; and may

Branches and Sidings.

construct, own and operate such branches and sidings as may be necessary to connect the same with the Company's lines; and may also construct, maintain, own and operate

one or more hotels, parks and places of amusement along its lines; but no park or place of amusement shall be located or constructed within the city of Montreal without the consent of the council of the city of Montreal, or elsewhere without the consent of the municipality in which such park or place of amusement is situated. The Company shall have power to operate its lines of railway by electricity or any power, but not by steam, that may be approved by the Board of Railway Commissioners for Canada."

Other powers not affected.

**3.** The provisions of this Act are not to be construed as limiting or excluding the other powers now possessed by the Company under the various Acts concerning it, subject, however, to the same limitations and restrictions under which they were granted.

Third Session, Seventeenth Parliament, 22 George V, 1932

THE HOUSE OF COMMONS OF CANADA.

# BILL 34.

An Act respecting the Canadian National Railways and to authorize the provision of moneys to meet expenditures made and indebtedness incurred during the calendar year 1932.

First reading, March 16, 1932.

The MINISTER OF RAILWAYS AND CANALS.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
42534 1932

3rd Session, 17th Parliament, 22 Geo. V, 1932

THE HOUSE OF COMMONS OF CANADA.

# BILL 34.

An Act respecting the Canadian National Railways and to authorize the provision of moneys to meet expenditures made and indebtedness incurred during the calendar year 1932.

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Short title.

**1.** This Act may be cited as *Canadian National Railways Financing Act, 1932.*

Power to borrow.

**2.** Subject to the provisions of this Act and the approval of the Governor in Council, the Canadian National Railway Company (hereinafter called "the Company") may issue notes, obligations, bonds, debentures or other securities (hereinafter called "securities") to provide the amounts necessary to meet expenditures made or indebtedness incurred during the calendar year 1932 (where amounts available from net operating income or investments may be insufficient) by or on behalf of the Company or any Company comprised in the Canadian National Railways (as defined in chapter ten of the Statutes of Canada, 1929), or any company controlled by stock ownership or otherwise by any company comprised in the Canadian National Railways, or by the Company in respect of any of the Canadian Government Railways entrusted to the Company, or any one or more of such companies, on any or all of the following accounts, such expenditures or indebtedness being herein called "authorized expenditures",—

*(a)* Net income deficits, including profit and loss, but not including interest on Dominion Government advances, not exceeding $42,784,610.13;

*(b)* Equipment principal payments, sinking funds, miscellaneous maturing or matured notes and other obligations secured or unsecured, not exceeding $11,681,651.87;

## Explanatory Note.

The object of this Bill is to authorize the Canadian National Railway Company to issue securities to the extent of $61,500,000.00 for the purpose during the year 1932 of financing where amounts available from net operating income or investments may be insufficient.

*(c)* Construction and betterments, including coordinations; acquisition of real or personal property, and working capital, not exceeding $7,033,738.00.

Provided, however, that for such purposes the aggregate principal amount at any one time outstanding of the securities which the Company is hereby authorized to make and issue from time to time shall not exceed the sum of $61,500,000.00; and provided also that should the net income deficit mentioned in paragraph *(a)* of this section exceed the amount therein mentioned any such deficiency may be met from the amount mentioned in paragraph *(c)* which latter amount shall be reduced accordingly.

Approval by Governor in Council.

**3.** The Company may, subject to the approval of the Governor in Council, from time to time approve or decide:

*(a)* The kind of securities to be issued and the form and terms thereof;

*(b)* The currency or currencies in which any issue or parts thereof may be made;

*(c)* The times, manner and amount of the issue or issues;

*(d)* The terms and conditions of any sale, pledge or other disposition of the securities;

*(e)* The securing, if deemed desirable, of the securities by mortgage, deed of trust or other instrument and the manner thereof, and the form and terms of any such indenture and the trustee or trustees thereof;

*(f)* The manner, terms and conditions of any temporary financing and the expediency thereof and the form and terms of temporary securities.

Competitive bids.

**4.** (1) The Company shall adopt the principal of competitive bids or tenders in respect of any sale of the securities, but, subject to the provisions of paragraph *(d)* of section three of this Act, shall not be bound to accept either the highest or lowest or any bid or tender made or obtained, nor be precluded from negotiating for better prices or terms.

Proviso.

Temporary financing.

(2) This section shall not apply to temporary financing in whole or in part by way of pledge or otherwise of the securities either in permanent or temporary form, where the Governor in Council approves such temporary financing and the terms thereof.

Refunding of temporary loans.

**5.** Should temporary loans be made or negotiated within the limits aforesaid, securities may subsequently be issued under the provisions of this Act to renew, refund or adjust such loans or any part thereof.

Power to aid other companies.

**6.** The Company may aid and assist, in any manner, any other or others of the said companies, which expression as used here and hereinafter shall include the Canadian Government Railways entrusted as aforesaid, and, without limiting the generality of the foregoing, may for its own requirements and also for the requirements of any or all of such other companies from time to time:—

*(a)* Apply the proceeds of any issue of securities, or the amount of loans received by virtue of this Act, in meeting authorized expenditures on its own account or on account of any or all of such other companies;

*(b)* Make advances for the purpose of meeting authorized expenditures to any or all of such other companies, upon or without any security, at discretion.

Third Session, Seventeenth Parliament, 22 George V, 1932

THE HOUSE OF COMMONS OF CANADA.

# BILL 35.

An Act respecting the Canadian Pacific Railway Company.

First reading, March 23, 1932.

(PRIVATE BILL).

Mr. MATTHEWS.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXBELLENT MAJESTY
43539 1932

Third Session, Seventeenth Parliament, 22 George V, 1932

THE HOUSE OF COMMONS OF CANADA.

# BILL 35.

An Act respecting the Canadian Pacific Railway Company.

Preamble. 1919, c. 79; 1920, c. 75; 1922, c. 55; 1924, c. 78; 1927, c. 80; 1929, c. 65; 1930, c. 53; 1931, c. 64.

WHEREAS the Canadian Pacific Railway Company has by its petition prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Short title.

**1.** This Act may be cited as *The Canadian Pacific Railway Act, 1932.*

Definitions.

**2.** In this Act

"Company".

*(a)* "Company" means the Canadian Pacific Railway Company;

"Property investment."

*(b)* "property investment" means the amount at any time shown by the last balance sheet of the Company as invested in railways owned or leased (including rolling stock and equipment); in stocks, bonds or other securities of other railway companies; in telegraphs, hotels, ocean, coastal, lake and river vessels, and in all other property acquired and held for the purposes of the undertakings of the Company authorized by any Act heretofore or hereafter passed;

"Secured obligations."

*(c)* "secured obligations" means consolidated debenture stock, bonds, debentures and other obligations of the Company secured by mortgage of or charge upon the said undertakings, or any part thereof, or by any contract evidencing the lease, conditional sale or bailment of rolling stock to the Company.

Issue of consolidated debenture stock.

**3.** In addition to the consolidated debenture stock which it may issue under the authority of any Act heretofore passed, the Company, being first authorized so to do by the votes of at least two-thirds of the shareholders present or represented at an annual meeting, or at a special meeting

duly called for the purpose, may from time to time issue consolidated debenture stock to an amount which, together with the secured obligations of the Company at such time outstanding, shall not exceed one-half of the Company's property investment.

Rights of stock holders.

**4.** The holders of the consolidated debenture stock issued under the authority of this Act shall have equal rights in all respects and rank *pari passu* with the holders of consolidated debenture stock which the Company has, before the passing of this Act, been authorized to issue.

Third Session, Seventeenth Parliament, 22 George V, 1932

THE HOUSE OF COMMONS OF CANADA.

# BILL 36.

An Act to amend the Bankruptcy Act (Locality of a debtor).

First reading, March 29, 1932.

Mr. BRASSET.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
43693 1932

3rd Session, 17th Parliament, 22 Geo. V, 1932

THE HOUSE OF COMMONS OF CANADA.

# BILL 36.

An Act to amend the Bankruptcy Act (Locality of a debtor).

R.S., c. 11; 1931, cc. 17, 18.

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Definitions.

**1.** Paragraph *(y)* of section two of the *Bankruptcy Act*, chapter eleven of the Revised Statutes of Canada, 1927, is amended by adding thereto the following as subparagraph (iv):—

Locality of a debtor.

"(iv) In the province of Quebec, the judicial district wherein the debtor carries on his business, as defined by the statutes of the province of Quebec." (New.)

**2.** Subsection one of section four of the said Act is hereby repealed and the following subsection is substituted therefor:—

Bankruptcy petition.

"**4.** (1) Subject to the conditions hereinafter specified, if a debtor commits an act of bankruptcy a creditor may present, to the court having jurisdiction over the locality of the debtor, a bankruptcy petition."

EXPLANATORY NOTES.

**1.** Paragraph *(y)* at present reads as follows:—

*(y)* "locality of a debtor," whether a bankrupt or assignor means,

"(i) the principal place where the debtor has carried on business during the year immediately preceding the date of the presentation against him of a bankruptcy petition or the making by him of an authorized assignment;

"(ii) the place where the debtor has resided during the year immediately preceding the date of the presentation against him of a bankruptcy petition or the making by him of an authorized assignment; or

"(iii) in cases not coming within (i) or (ii), the place where the greater portion of the property of such debtor is situate;"

The object of the subparagraph added is to remove the handicap under which the debtor is when an assignment is made at a great distance from his place of business and to avoid additional expenditure in the winding up of the estate.

**2.** Subsection (1) of section four at present reads as follows:—

"4. (1) Subject to the conditions hereinafter specified, if a debtor commits an act of bankruptcy a creditor may present to the court a bankruptcy petition."

This amendment is proposed to carry out the object of the amendment made by clause 1 of the Bill.

Third Session, Seventeenth Parliament, 22 George V, 1932

THE HOUSE OF COMMONS OF CANADA.

# BILL 37.

An Act to incorporate the Fort Smith-Fitzgerald Railway Company.

First reading, March 30, 1932.

(PRIVATE BILL.)

Mr. IRVINE.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
44700 1932

3rd Session, 17th Parliament, 22 Geo. V, 1932

THE HOUSE OF COMMONS OF CANADA.

# BILL 37.

An Act to incorporate the Fort Smith-Fitzgerald Railway Company.

Preamble.

WHEREAS a petition has been presented praying for the incorporation of a company to construct and operate a railway as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Incorporation.

Corporate name.

**1.** L. W. Burwash, explorer, George Goodwin, civil engineer, W. J. Irvine, broker, Charles J. Tulley, gentleman, all of the city of Ottawa in the province of Ontario, together with such persons as become shareholders in the company, are incorporated under the name of "Fort Smith-Fitzgerald Railway Company", hereinafter called "the Company".

Declatory.

**2.** The works and undertaking of the Company are declared to be for the general advantage of Canada.

Provisional directors.

**3.** The persons named in section one of this Act are constituted provisional directors of the Company.

Capital stock.

**4.** The capital stock of the Company shall be two hundred thousand dollars divided into preferred shares of one hundred dollars each, and three hundred thousand shares of common stock of no par value.

Head office.

**5.** The head office of the Company shall be in the city of Ottawa in the province of Ontario.

Annual meeting.

**6.** The annual meeting of the shareholders shall be held on the first Tuesday in February of each year or on such other day in each year as the directors may determine.

Directors.

**7.** The number of directors shall be not less than four nor more than eleven, one or more of whom may be paid directors.

Line of railway described.

**8.** The Company may lay out, construct and operate a narrow gauge line of railway to be operated by steam, electricity or gasoline power over the portage on the west bank of the Slave River, from a point at or near Fitzgerald in the province of Alberta to a point at or near Fort Smith in the Northwest Territories, a distance of approximately fifteen miles in the province of Alberta and one mile in the Northwest Territories.

Issue of securities.

**9.** The securities issued by the Company shall not exceed fifteen thousand dollars per mile of the railway, and be issued only in proportion to the length of railway constructed or under contract to be constructed.

Agreements with other companies for sale, lease or amalgamation. R.S., c. 170.

**10.** Subject to the provisions of sections one hundred and fifty-one, one hundred and fifty-two and one hundred and fifty-three of the *Railway Act*, the Company may, for any of the purposes specified in the said section one hundred and fifty-one, enter into agreements with the Canadian Pacific Railway Company and the Canadian National Railway Company or either of them.

Electric and other power. R.S., c. 170.

**11.** Subject to the provisions of section three hundred and sixty-eight of the *Railway Act*, the Company shall have power to generate, acquire, use, transmit and distribute electric and other power or energy and for the purposes of such generation, acquisition, use, transmission and distribution may construct, acquire, operate and maintain lines for the conveyance of light, heat, power and electricity.

Telegraph and telephone messages. R.S., c. 170.

**12.** Subject to the provisions of section three hundred and sixty-nine of the *Railway Act*, the Company shall have power to transmit telegraph and telephone messages for the public and to collect tolls therefor.

Wharfs, docks, elevators, warehouses, offices.

Warehousemen and warfingers.

**13.** The Company may, for the purposes of its undertaking, construct, acquire and dispose of wharfs, docks, elevators, warehouses, offices and other structures to be used to facilitate the carrying on of business in connection therewith, and may carry on the business of warehousemen and wharfingers; and charge wharfage and other dues for the use of any such property.

Hotels, restaurants.

**14.** The Company may, for the purposes of its undertaking, construct, acquire or lease buildings for hotels or restaurants along its railway and may carry on such business in connection therewith as tends to the comfort and convenience of the travelling public.

Motor cars.

**15.** In connection with its business and for the purposes of its undertaking the Company may establish and operate a service of traction motors or cars, driven by mechanical or other power for collecting, carrying, transporting and delivering freight, goods and passengers and may collect rates and charges therefor; but no rate or charge shall be demanded or taken until it has been approved of by the Board of Railway Commissioners for Canada, who may also revise such rates and charges.

Rates and charges.

Additional borrowing powers. R.S., c. 170.

**16.** In addition to the securities authorized by section nine of this Act, the directors, if previously authorized as prescribed by sections one hundred and thirty-two and one hundred and thirty-three of the *Railway Act*, may, from time to time, borrow moneys for the acquisition, construction, extension or development of any such properties, assets or works, other than the railway, as the Company is authorized to acquire, construct or operate; and to provide for the repayment of moneys so borrowed, may issue bonds, debentures, debenture stock, perpetual or terminable, or other securities; but such bonds, debentures, debenture stock, or other securities shall not exceed in amount the value of the properties, assets or works, in respect whereof the issue is made.

Third Session, Seventeenth Parliament, 22 George V, 1932

THE HOUSE OF COMMONS OF CANADA.

# BILL 38.

An Act to incorporate the Ontario-Quebec Canal and Power Company.

First reading, March 30, 1932.

(PRIVATE BILL.)

Mr. McGILLIS.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
45288 1932

3rd Session, 17th Parliament, 22 Geo. V, 1932

THE HOUSE OF COMMONS OF CANADA.

# BILL 38.

An Act to incorporate the Ontario-Quebec Canal and Power Company.

Preamble.

WHEREAS a petition has been presented praying that the persons hereinafter named, may be constituted a corporation for the purposes of constructing canals and waterways to overcome the rapids of the River St. Lawrence, from a point at or near Cardinal in the county of Grenville, to a point at or near Morrisburgh in the county of Dundas, province of Ontario, and from a point at or near Farran's Point in the county of Stormont to a point at or near Cornwall in the said County of Stormont in the province of Ontario, and from a point at or near Hungry Bay in the county of Beauharnois to a point at or near Laprairie Basin, in the county of Laprairie, in the province of Quebec; such canals to be of a depth of not less than thirty-five feet; to construct, operate and maintain all such works and structures as may be necessary or incidental in connection with the construction of said canal; to construct a viaduct or vehicular traffic bridge over the River St. Lawrence from a point at or near Valleyfield in the county of Beauharnois, province of Quebec, to a point at or near Coteau Landing in the county of Soulanges, province of Quebec; to regulate and maintain the waters of Lake St. Francis to the average spring level, and to generate, distribute and sell or lease such electric energy as may be made available by the construction of the works aforesaid and to have the right to do all such things as may be pertinent to such an undertaking or incidental to the production, distribution and sale of electric or other power; to acquire by purchase or expropriate any property, works, canals as may be necessary or beneficial to its undertaking; to purchase and take over as a going concern any similar works or enterprises; to divide the works of the corporation into different sections for all purposes whatsoever, to finance same separately, to issue bonds on such separate sections so that each distinct

section may be covered by a separate deed of trust affecting such section and its revenues specially and exclusively; and it is expedient to grant the prayer of said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Incorporation.

**1.** Arthur Edwin Hall, barrister, of the town of Cornwall, in the province of Ontario, Adam Tozeland Shillington, physician, of the city of Ottawa, in the province of Ontario, and Theodore Frederick von Dorn, lawyer, of the city of New York, in the state of New York, one of the United States of America, together with such other persons as become shareholders in the Company, are incorporated under the name of the "Ontario-Quebec Canal and Power Company," hereinafter called "the Company."

Corporate name.

Works to be for the general advantage of Canada.

**2.** The works and undertakings of the Company which are authorized by this Act are hereby declared to be for the general advantage of Canada.

Provisional directors.

**3.** The above named persons are constituted provisional directors of the Company until the election of a board of directors which shall consist of not less than eleven and not more than twenty-one directors and eight shall form a quorum.

Capital stock.

**4.** The capital stock of the Company shall be fifty million dollars.

Head Office.

**5.** The head office of the Company shall be at the city of Montreal, in the province of Quebec, but the same may be changed to the city of Toronto by resolution of the board of directors.

Plans to be approved by Governor in Council.

**6.** The Company shall not break ground or commence the construction of any of the canals, viaduct or bridge, or other works hereby authorized until it has submitted to the Governor in Council the plans, locations, dimensions and all necessary particulars as may be required and has received the approval of the Governor in Council thereto, nor until it has received the approval provided for in section eleven hereof, nor shall the Company submit the said plans to the Governor in Council until it has obtained the approval of the Board of Railway Commissioners for Canada to its plans for the crossing or altering of any railway road-bed, track or bridge.

R.S., 1927, c. 140, c. 55; c. 54, c. 170.

**7.** The provisions of the *Navigable Waters Protection Act*, chapter one hunred and forty, of the Revised Statutes of Canada, 1927, as to such works to which they may apply,

the *Electricity Inspection Act*, chapter fifty-five of the Revised Statutes of Canada, 1927, the *Electricity and Fluid Exportation Act*, chapter fifty-four of the Revised Statutes of Canada, 1927, the *Railway Act*, chapter one hundred and seventy of the Revised Statutes of Canada, 1927, and section two hundred and forty-seven of the *Railway Act*, chapter thirty-seven of the Revised Statutes of Canada, 1906, shall, so far as they are not inconsistent with the provisions of this Act, apply to the Company and to its works and undertakings, and wherever in the *Railway Act*, the word "railway" occurs it shall for the purpose of the Company, unless the context otherwise requires, mean the aforesaid "canals."

R.S., 1906, c. 37.

R.S., 1927, c. 170.

Powers.

**8.** The Company may,—

*(a)* lay out, dig, dredge and construct a canal for the passage of ocean liners,

(i) from a point at or near Cardinal in the county of Grenville, to a point at or near Morrisburg in the county of Dundas, in the province of Ontario, at which latter point the Company may construct a reservoir basin of such dimensions and of such elevation as may be agreed to by the Governor in Council;

(ii) from a point at or near Farran's Point, in the county of Stormont, to a point at or near Cornwall, in the said county of Stormont, province of Ontario, at which latter point the Company may construct a reservoir basin of such dimensions and of such elevation as may be agreed to by the Governor in Council;

(iii) from a point at or near Hungry Bay on the south-east shore of lake St. Francis in the county of Beauharnois, to a point on the southwest shore of Laprairie Basin in the county of Laprairie, province of Quebec, with the power of creating a reservoir of sufficient height for the storage of water to the level of lake St. Francis, said reservoir to be constructed from Laprairie Basin to a point as far waterly in the county of Laprairie or in the county of Châteauguay as may be necessary;

*(b)* improve and dredge Laprairie Basin and the River St. Lawrence to the westerly limit of the Harbour of Montreal;

*(c)* construct, erect, maintain and operate by any kind of motive power all such locks, apparatus, appliances and machinery, dams, branches, basins, feeders to supply water from the said lakes or from any rivers, creeks, reservoirs as may be desirable or necessary for the construction or operation of said canals;

(*d*) enter, upon and take such lands as are necessary and proper for the construction of the said canals and for the construction and maintenance of the reservoirs, power houses and other works hereby authorized;

(*e*) construct, and operate water works and power plants;

(*f*) make, maintain and alter any places or passages over or under said canals;

(*g*) obtain, take and use during the construction and operation of said canals from the rivers, lakes, brooks, streams, water courses, reservoirs and other sources of water supply, adjacent or near to said canals, water sufficient for the purposes of constructing, maintaining and using the said canals and works hereby authorized and sufficient to establish and maintain current at the rate, on the average of three miles per hour through the navigable channel of the canals and the Company shall in the exercise of the power by this paragraph granted do as little damage as possible and shall make full compensation to all persons interested for all damage by them sustained by reason of the exercise of such powers and such damage in case of disagreement, shall be settled in the same manner as is provided for in expropriation proceedings under the provisions of the *Railway Act*, but after the taking over of the said canals by the Government of the Dominion of Canada, any compensation for damages thereafter accruing shall be borne by the said Government;

R.S., c. 170.

(*h*) during construction, operate for the purpose solely of its undertaking, a rail or tram service along or near the side of the said canals;

(*i*) acquire, construct, maintain, operate, use, lease or otherwise dispose of terminals, harbours, wharves, docks, piers, elevators and warehouses, dry-docks, and other structures, buildings and repairing yards and all works incidental thereto upon lands adjoining or near the said canals or reservoirs;

(*j*) acquire, by purchase or otherwise, or by expropriation under the provisions of the *Railway Act*, lay out and use, lease or otherwise dispose of lands, water lots, public or private, as may be necessary for the construction, maintenance or operation of their works and use, lease, sell or otherwise dispose of water brought by or for the said canals and works;

R.S., c. 170.

(*k*) use any water which may become available by the construction and operation of said canals and reservoirs; generate, acquire, use, transmit and distribute, electric and other power and energy, sell and dispose of same or exact tolls therefor and for the purpose of

said generation, acquisition, use, transmission and distribution, the Company may, subject to the provisions of the *Railway Act*, construct, acquire by purchase or expropriation, operate and maintain, the necessary plant, works, transmission line or lines for the conveyance of light, heat, power and electricity, produced by the Company;

*(l)* subject to the approval of its plans as provided in section six of this Act, erect a viaduct or vehicular traffic bridge from the south bank of the River St. Lawrence at or near Valleyfield in the county of Beauharnois, to the north bank at or near or between Coteau Landing and Coteau du Lac, in the county of Soulanges, with all necessary locks, draws, and control gates, same to be operated as ordered by the Department of Marine and the Department of Railways and Canals, said viaduct, however, not to raise the waters of lake St. Francis above the mean spring level;

*(m)* have, and do such things as may be pertinent, necessary or incidental to its undertakings.

Dimension of canals.

**9.** The canals authorized by this Act shall in all places therein be of a depth of not less than thirty-five feet and of a width of not less than seven hundred feet at the water line, exclusive of the width of the reservoirs at the easterly end of said canals.

Sale of electricity and power.

**10.** The Company shall have the right to sell and dispose of any electricity or other power or energy made available by the construction or operation of the said canals in the best possible market regardless of any boundary line between the provinces of Canada, at a price not exceeding twelve dollars per H.P. at the bus bar or at such other price as may from time to time be fixed by the Board of Railway Commissioners for Canada.

Crossing of drains and water courses.

**11.** The Company during construction shall make all due provision for, take care and dispose of, all water and drainage to the extent to which it disturbs or interferes therewith, whether from artificial drains, natural streams or watercourses, which drains, natural streams or watercourses the said canals cross, touch or interfere with, and which are in existence at the time of the construction of said canals and reservoirs.

Works not to affect level of boundary waters.

**12.** All the works authorized by this Act shall be made and constructed in such manner, as not to materially affect the level or flow of any boundary waters between the Dominion of Canada and the United States of America, and plans of which shall first be approved of by the Inter-

national Joint Commission or such other Commission as may be appointed for that purpose by the Governments of the U.S. of America and the Dominion of Canada.

Power to expropriate for certain constructions.

**13.** The Company shall have power, subject to the provisions of section six of this Act, to expropriate, in the counties wherein its works may be located, immoveable property, or any part thereof, and riparian rights necessary for the construction or maintenance of power houses, transformer houses, drains, canal sluices, pipes, flumes and dams, and other works or structures necessary or incidental to its undertakings.

Settlement of compensation for lands.

**14.** (1) When the Company and the owners or occupiers of private property entered upon, cannot agree as to the compensation of lands required for the construction or maintenance of any work authorized under this Act, or for damage to lands injured thereby, the matter shall be settled in the same manner as is provided in expropriation proceedings under the *Railway Act*, so far as the same may be applicable.

R.S., c. 170.

"Lands" defined.

(2) In this section and in section fifteen the expression "lands" means the lands, the acquiring, taking or using of which is incidental to the exercise of the powers given by this Act and includes real property, messuages, lands, tenements, and hereditaments of any tenure, and also comprises any users of the waters of the River St. Lawrence for purposes of developing and transmitting electric or hydraulic energy which might be affected or who would claim that they were affected by the canal, navigable channels, viaduct or other works of the Company.

Crossing highways.

**15.** The Company shall at each and every place, where any of the said canals cross any railways, highway or public road (unless exempted from the provisions of this section, as far as any highway or public road is concerned, by the municipality having jurisdiction over such highway or public road) construct and maintain to the satisfaction of, and as ordered by the Board of Railway Commissioners for Canada, bridges for passage over the said canals, so that the public thoroughfare or railway may be as little impeded as reasonably may be; and the Company shall not, in making the said canals, cut through or interrupt the passage on any highway or public road until they have made a convenient road past their works for the use of the public; and for every day on which they shall neglect to comply with the requirements of this section, the Company shall incur a penalty of one hundred dollars. The foregoing provisions in this section will only apply to the Company until such time as said canals and the operation

thereof are taken over by the Government of Canada as provided for in section twenty-one of this Act.

Breadth of land of each side of works.

**16.** The land, ground or property to be taken or used without the consent of the proprietors for the said canals and works and the ditches, drains, and fences to separate the same from the adjoining lands, shall not together exceed one thousand four hundred feet in breadth; except in places where basins and other works are required to be cut or made as necessary parts of any of the canals or reservoirs as shown on the plans to be approved as in this Act provided.

Limit of time.

**17.** The Company shall within one year from the coming into force of this Act submit its plans for approval as provided in this Act and shall within six months of the date of such approval of its plans forthwith proceed simultaneously with the construction of the canals, the viaduct and works, and expend thereon in surveys, purchase of right of way and actual construction work the sum of fifteen million dollars and the Company shall within the next twelve months thereafter expend a further sum of eighty-five million dollars, and if the said canals and viaduct be not completed within six years from date of said approval, then the powers granted by this Act shall cease and be null and void, as respects so much of the said canals and viaduct as is then uncompleted.

Purchase of other Companies.

**18.** The Company may acquire the whole or any part of any rights, good will and advantages of every nature and kind and pay for the same in cash or in shares of the Company and do all things necessary for or incidental to taking over any similar enterprises, and in the event of such acquisition shall perform and discharge all such duties, obligations and liabilities of these enterprises or any of them, as the case may be, in respect to the rights and property acquired, as are not performed and discharged by the said enterprises or any of them.

Division of undertaking.

**19.** The Company may divide its works and undertakings into different sections for all purposes whatsoever and may finance same separately.

Issue of bonds.

R.S., c. 170.

**20.** (1) The Company may, for the purposes of its undertaking and subject to the provisions of the *Railway Act*, issue bonds on the whole of its undertaking or may issue series of bonds on each separate section or undertaking, so that such distinct sections or undertakings may be covered by a separate deed of trust, affecting such section or undertaking and its revenues specially and exclusively.

Mortgages.

(2) For the purpose of securing the issue of such bonds the Company may execute a mortgage or mortgages, not inconsistent with law or with the provisions of this Act, in such form and containing such provisions as are approved by a resolution passed at a special general meeting of the shareholders called for the purpose.

Tolls and revenues.

(3) The Company may charge and bind the tolls and revenues of the property to which any such mortgage relates in the manner and to the extent therein specified.

Interest on bonds, etc.

(4) The bonds, debentures, and other securities of the Company may, pursuant to any arrangement in that behalf, be made payable at such time and in such manner and at such place or places and may bear such rate of interest, not exceeding seven per cent per annum, as the directors thick proper.

Transfer to Government of the Dominion of Canada.

**21.** When and as soon as the said canals and other works shall have been fully constructed and completed in accordance with the plans and specifications approved as provided by this Act, the Company shall offer to convey to the Government of the Dominion of Canada for and in consideration of the payment of the sum of one dollar the full ownership of the said canals for navigation purposes. The Company, however, will, subject to the prior requirements for navigation purposes, retain the right to the use of the waters of the said canals and also to the use and occupation for the purpose of repairs, enlargement or other works to its reservoirs, power houses, gates and to its other properties connected with or incidental to the development or manufacturing of electric energy all of which excluding the canals themselves shall remain the absolute property of the said Company.

Arrangements with municipalities.

**22.** The Company may enter into arrangements with the municipalities to supply them with energy or water, to obtain from them franchises to construct and operate water works, power plants in such municipalities.

Rights of Municipalities saved.

**23.** Notwithstanding anything in this Act, the Company shall not locate, construct or operate any of the works mentioned in this Act, upon, under or connect the same with any highway, street or other public place, without first obtaining the consent expressed by by-law, of the municipality having jurisdiction over such highway, street or other public place and upon terms to be agreed upon with such municipality, and failing such consent, within sixty days from the date of the request, made in writing by the Company for such consent to the said municipality, then upon such terms as are fixed by the Board of Railway Commissioners for Canada.

Loan of credit.

**24.** The Company may lend its credit to or guarantee the principal or interest of bonds that may be issued by industrial or manufacturing companies locating in the vicinity of its power works or purchase and hold shares in the said companies.

Permit for foreign equipment.

**25.** The Minister of National Revenue is hereby authorized to issue permits for the use of foreign construction equipment to be used in the building of said canals and reservoirs on such terms and conditions as he may deem fit and proper.

Labour.

**26.** (1) The employment of labour in the construction, maintenance and supervision of the said canals, reservoirs, and viaduct, shall be subject to the terms and conditions of *The Fair Wages and Eight Hour Day Act, 1930.*

1930, c. 20.

Labour and materials.

(2) Canadian materials and labour must be used in the construction of the said canals, reservoirs and viaduct, so far as it may be practical to do so and a certified statement shall be sent weekly to the Department of Labour giving the names and addresses of firms supplying materials and the quantity thereof.

Third Session, Seventeenth Parliament, 22 George V, 1932

THE HOUSE OF COMMONS OF CANADA.

# BILL 39.

An Act for granting to His Majesty certain sums of money for the public service of the financial year ending the 31st March, 1932.

AS PASSED BY THE HOUSE OF COMMONS, 1st APRIL, 1932.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
44764 1932

3rd Session, 17th Parliament, 22 Geo. V, 1932

THE HOUSE OF COMMONS OF CANADA.

# BILL 39.

An Act for granting to His Majesty certain sums of money for the public service of the financial year ending the 31st March, 1932.

MOST GRACIOUS SOVEREIGN,

Preamble.

WHEREAS it appears by message from His Excellency the Right Honourable the Earl of Bessborough, etc., etc., Governor General of Canada, and the estimates accompanying the said message that the sums hereinafter mentioned are required to defray certain expenses of the public service of Canada, not otherwise provided for, for the financial year ending the thirty-first day of March, one thousand nine hundred and thirty-two, and for other purposes connected with the public service: May it therefore please Your Majesty, that it may be enacted and be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, that:—

Short title.

**1.** This Act may be cited as *The Appropriation Act, No. 1, 1932.*

$1,059,474.33 granted for 1931-32 on certain items.

**2.** From and out of the Consolidated Revenue Fund there may be paid and applied a sum not exceeding in the whole one million, fifty-nine thousand, four hundred and seventy-four dollars, and thirty-three cents towards defraying the several charges and expenses of the public service, from the first day of April, one thousand nine hundred and thirty-one, to the thirty-first day of March, one thousand nine hundred and thirty-two, not otherwise provided for, set forth in the Schedule to this Act.

Account to be rendered in detail.

**3.** A detailed account of the sums expended under the authority of this Act shall be laid before the House of Commons of Canada during the first fifteen days of the then next session of Parliament.

# SCHEDULE

Based on Further Supplementary Estimates, 1931-32. The amount hereby granted is $1,059,474.33.

SUMS granted to His Majesty by this Act for the financial year ending 31st March, 1932, and the purposes for which they are granted.

| No. of vote | Service | Amount | Total |
|---|---|---|---|
| | | $ cts. | $ cts. |
| | ADMINISTRATION OF JUSTICE | | |
| 299 | Yukon Territory—<br>Miscellaneous expenditure, including salaries and allowances of court officers, etc.—Further amount required..... | ..... | 1,000 00 |
| | LEGISLATION | | |
| | THE SENATE | | |
| 300 | Salaries and contingent expenses—Further amount required.... | 12,000 00 | |
| | HOUSE OF COMMONS | | |
| 301 | Expenses of committees, clerical assistance, etc.—Further amount required..... | 25,900 00 | |
| 302 | Contingencies—Further amount required..... | 674 33 | |
| 303 | Publishing Debates—Further amount required..... | 15,200 00 | |
| 304 | Estimates of the Sergeant-at-Arms—Further amount required. | 21,350 00 | |
| | GENERAL | | |
| 305 | Printing, printing paper and binding—Further amount required. | 8,700 00 | |
| | | | 83,824 33 |
| | PUBLIC PRINTING AND STATIONERY | | |
| 306 | Printing and binding official publications for sale and distribution to departments and the public—Further amount required | ..... | 7,250 00 |
| | PENSIONS AND NATIONAL HEALTH | | |
| 307 | Aid to necessitous pensioners—Further amount required..... | ..... | 875,000 00 |
| | EXTERNAL AFFAIRS | | |
| | PARIS | | |
| 308 | Representation, including salaries and allowances for Minister Plenipotentiary, Secretaries and Staff, notwithstanding anything to the contrary in the Civil Service Act, or any of its amendments—Further amount required on account of loss in exchange..... | 3,000 00 | |
| | GENEVA | | |
| 309 | Canada's contribution to the expenses of the League of Nations for 1931, including Secretariat, International Labour Organization and Permanent Court of International Justice—Further amount required on account of loss on exchange..... | 32,000 00 | |
| | | | 35,000 00 |

An Act respecting the Canadian National Railways and to authorize the guarantee by His Majesty of securities to be issued under the Canadian National Railways Financing Act, 1931, No. 2.

First reading, April 4, 1932.

The Minister of Finance.

OTTAWA,
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

## SCHEDULE—*Concluded*

| No. of Vote | Service | Amount | Total |
|---|---|---|---|
| | | $ cts. | $ cts. |
| | MISCELLANEOUS | | |
| 310 | Loan to Harbour Commissioners of Montreal, with interest at a rate to be fixed by the Governor in Council for such period and upon such terms and conditions as the Governor in Council may determine, and to be applied in payment of deficits resulting from the operations of the Montreal Harbour Bridge—Further amount required..... | ..... | 22,400 00 |
| | | | 1,024,474 33 |
| | GOVERNOR GENERAL'S WARRANTS, 1931-32 | | |
| 311 | Expenses of the Royal Commission on Transportation (Governor General's Warrants of December 9, 1931, and February 4, 1932)..... | ..... | 35,000 00 |
| | | | 1,059,474 33 |

Third Session, Seventeenth Parliament, 22 George V, 1932

THE HOUSE OF COMMONS OF CANADA.

# BILL 40.

An Act respecting the Canadian National Railways and to authorize the guarantee by His Majesty of securities to be issued under the Canadian National Railways Financing Act, 1931, No. 2.

First reading, April 4, 1932.

The MINISTER OF FINANCE.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
43659 1932

3rd Session, 17th Parliament, 22 Geo. V, 1932

THE HOUSE OF COMMONS OF CANADA.

# BILL 40.

An Act respecting the Canadian National Railways and to authorize the guarantee by His Majesty of securities to be issued under the Canadian National Railways Financing Act, 1931, No. 2.

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Short title.

**1.** This Act may be cited as *The Canadian National Railways Guarantee Act, 1931, No. 2.*

Guarantee.

**2.** (1) The Governor in Council may authorize the guarantee of the principal, interest and sinking funds (if any) of the securities (hereinafter called "guaranteed securities") which the Canadian National Railway Company may make or issue from time to time under the provisions of *The Canadian National Railways Financing Act, 1931, No. 2,* such guaranteed securities being limited to an aggregate principal amount at any one time outstanding of $11,372,498.86.

How signed.

(2) The guarantee or guarantees may be in such form and on such terms and conditions as the Governor in Council may determine to be appropriate and applicable thereto, and may be signed on behalf of His Majesty by the Minister of Finance or the Acting Minister of Finance, or by such other person as the Governor in Council may from time to time designate, and such signature shall be conclusive evidence for all purposes of the validity of the guarantee and that the provisions of this Act have been complied with.

Method of guarantee.

(3) Any such guarantee may be either a general guarantee covering the total amount of the issue, or a separate guarantee endorsed on each obligation.

Temporary guarantee.

(4) With the approval of the Governor in Council, temporary guarantees may be made, to be subsequently replaced by permanent guarantees.

## Explanatory Note

The object of this Bill is to authorize the guarantee by His Majesty of the securities, amounting to $11,372,498.86, of the Canadian National Railway Company as provided for in the Canadian National Railways Financing Act, 1931, No. 2.

Proceeds paid to credit of Minister of Finance in trust.

**3.** (1) The proceeds of the sale, pledge or other disposition of any guaranteed securities shall be deposited in a bank or banks in a fund to the credit of the Minister of Finance in trust for the Company. The Board of Directors or the Executive Committee of the Company may from time to time authorize application to be made to the Minister of Railways and Canals for the release to the Company of any part of the proceeds so deposited for the purpose of meeting specified authorized expenditures within the respective limits mentioned in section two of *The Canadian National Railways Financing Act, 1931, No. 2,* and the said Minister may in his discretion approve the said application and may request the Minister of Finance to release to the Company the amount or amounts covered by such application or parts thereof for the purposes therein specified.

(2) No purchaser of such guaranteed securities shall be under any obligation to inquire into the application of the proceeds of any issue of guaranteed securities, nor into the observance of any provision of subsection one of this section.

Temporary advances by His Majesty.

**4.** Pending the issue and disposal of such guaranteed securities, the Governor in Council may from time to time authorize advances to be made to the Company from the Consolidated Revenue Fund, or to be obtained by the Company from persons other than His Majesty, on such terms and conditions as the Governor in Council may approve, such advances to be reimbursed by the Company from the proceeds of the sale, pledge or other disposition of such guaranteed securities.

Third Session, Seventeenth Parliament, 22 George V, 1932

THE HOUSE OF COMMONS OF CANADA

# BILL 41.

An Act to amend the Bankruptcy Act.

First reading, April 5, 1932.

THE MINISTER OF JUSTICE.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
43033 1932

3rd Session, 17th Parliament, 22 Geo. V, 1932

THE HOUSE OF COMMONS OF CANADA

# BILL 41.

An Act to amend the Bankruptcy Act.

R.S., c. 11; 1931, cc. 17, 18.

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Short title.

**1.** This Act may be cited as *The Bankruptcy Act Amendment Act, 1932.*

Definitions.

**2.** (1) Paragraph (*ii*) of section two of the *Bankruptcy Act*, chapter eleven of the Revised Statutes of Canada, 1927, is repealed and the following is substituted therefor:

"Secured creditor."

"*(ii)* "Secured creditor" means a person holding a mortgage, hypothec, pledge, charge, lien or privilege on or against the property of the debtor, or any part thereof, as security for a debt due or accruing due to him from the debtor, or a person whose claim is based upon, or secured by, a negotiable instrument held as collateral security and upon which the debtor is only indirectly or secondarily liable. "

(2) Section two is further amended by adding thereto the following paragraphs:

"Minister."

"*(mm)* "Minister" means the Minister of Finance;

"Superintendent."

"*(nn)* "Superintendent" means the Superintendent of Bankruptcy. (New.)

Bankruptcy petition.

**3.** Subsection six of section four of the said Act is repealed and the following is substituted therefor:

Proof of debt, etc.

"(6) At the hearing the court shall require proof of the debt of the petitioning creditor, of the service of the petition, and of the act of bankruptcy, or, if more than one act of bankruptcy is alleged in the petition, of some one of the alleged acts of bankruptcy, and, if satisfied with the proof, may adjudge the debtor a bankrupt and in pursuance of the petition, make an order, in this Act called a receiving order, for the protection of the estate, and appoint as custodian a licensed trustee, having regard, as far as the court deems just, to the wishes of the creditors."

## Explanatory Notes.

### The underlined words in the Bill are new.

**2.** (1) Paragraph *(ii)* is amended by the addition of the words underlined "or a person, etc."

This amendment is to provide that a bank holding negotiable instruments deposited as collateral, on which customers of the insolvent are primarily liable, must treat such instruments as securities and value the same. At present, the bank in such a case may rank as an ordinary creditor, and, in addition, recover on the negotiable instrument up to the full amount of the bank's claim.

(2) The definition of "Minister" and "Superintendent" are new. By section 19 of this Bill a new section, 36A, is inserted in the Bankruptcy Act providing for the appointment, etc. of a Superintendent of Bankruptcy.

**3.** The underlined words "licensed trustee" are substituted for the words "qualified person". This amendment is to harmonize the section with the new licensing provisions.

**4.** Section five of the said Act is repealed and the following is substituted therefor:

Appointment of interim receiver.

"**5.** (1) The court may, if no custodian has been appointed and if it is shown to be necessary for the protection of the estate, at any time after the presentation of a bankruptcy petition, and before a receiving order is made, appoint a licensed trustee as interim receiver of the property of the debtor, or of any part thereof, and direct him to take immediate possession thereof or of any part thereof.

Powers of interim receiver.

"(2) The interim receiver may, under the direction of the court, take conservatory measures and summarily dispose of goods which are perishable or likely to depreciate rapidly in value, or carry on the business of the debtor for such period as the court deems advisable."

**5.** Subsection one of section six of the said Act is repealed and the following is substituted therefor:—

Vesting of property in trustee.

"**6.** (1) On a receiving order being made against a debtor, such debtor shall cease to have any capacity to dispose of or otherwise deal with his property affected by the receiving order, which shall be deemed to be in the custody of the court, and upon the apppointment of a trustee as hereinafter provided, such property shall, subject to the provisions of this Act, and subject to the rights of secured creditors forthwith pass to and vest in such trustee, and in any case of change of trustee, the property shall pass from trustee to trustee without any conveyance, assignment or transfer whatever."

**6.** (1) Subsections five and six of section nine of the said Act are repealed and the following are substituted therefor:

Appointment of custodian.

"(5) Immediately after the acceptance of the authorized assignment the Official Receiver shall appoint as custodian a licensed trustee whom he shall, as far as possible, select by reference to the wishes of the most interested creditors, if ascertainable at the time.

Procedure to vest property in trustee.

"(6) Upon the appointment of the trustee by the creditors, the Official Receiver shall complete the authorized assignment by inserting therein as grantee the name of such trustee, and such assignment shall thereupon, subject to the provisions of this Act, and subject to the rights of secured creditors vest, as of the date of the acceptance and filing of the said assignment, in the trustee, all the property of the debtor, and in any case of change of trustee, the property shall pass from trustee to trustee without any conveyance, assignment or transfer whatever."

**4.** The amendment to subsection one is to harmonize the subsection with the new licensing provisions.

The amendment to subsection two is to enable the interim receiver to dispose of seasonal goods just as he may now dispose of perishable goods.

The section to be repealed reads as follows:—

"**5.** The court may, if no custodian has been appointed and if it is shown to be necessary for the protection of the estate, at any time after the presentation of a bankruptcy petition, and before a receiving order is made, appoint an interim receiver of the property of the debtor, or of any part thereof, and direct him to take immediate possession thereof or of any part thereof.

2. The said interim receiver may, under the direction of the court summarily dispose of any perishable goods and carry on the business of the debtor for all conservatory purposes."

**5.** The amendment is to harmonize the section with the amendments to sections twenty-eight, twenty-nine and thirty-two.

The only change is by the addition of the underlined words "subject to the provisions of this Act."

**6.** (1) The amendment to subsection five is to harmonize that subsection with the new licensing provisions.

The first amendment to subsection six is to harmonize that subsection with amendments to sections twenty-eight, twenty-nine and thirty-two, and the second is to provide for the transfer of property in the case of a change of trustee.

The subsections (five and six) to be repealed at present read as follows:—

"5. Immediately after the acceptance of the authorized assignment, the Official Receiver shall appoint *a* custodian whom he shall, as far as possible, select *from* the most interested creditors, if ascertainable at the time *of the assignment.*

"6. Upon the appointment of the trustee by the creditors, the Official Receiver shall complete the authorized assignment by inserting therein as grantee the name of such trustee, and such assignment shall thereupon subject to the rights of secured creditors vest, as of the date of the acceptance and filing of the said assignment, in the trustee, all the property of the debtor."

(2) Section nine is further amended by adding thereto the following subsection:—

If unable to find a custodian.

"(8) If the Official Receiver is unable to find any person who is willing to act as custodian, he may, after thirty days have elapsed from the date of the filing of the assignment and after giving the debtor seven days' notice of his intention, cancel the assignment, whereupon the said assignment shall cease to have any effect under this Act." (New.)

**7.** Subsection one of section twelve of the said Act is repealed and the following is substituted therefor:—

Proceedings by trustee.

"**12.** (1) As soon as possible after an authorized trustee has been required to convene a meeting of creditors to consider a proposal of a composition, extension or scheme of arrangement, he shall submit the proposal to the inspectors and if authorized by a majority of them he shall forthwith fix a date for such meeting and send by registered mail to every known creditor

*(a)* at least ten days' notice of the time and place of meeting, the day of mailing to count as the first day's notice;

*(b)* a condensed statement of the assets and liabilities of the debtor;

*(c)* a list of his creditors; and

*(d)* a copy of his proposal."

When scheme deemed to be accepted.

**8.** Section thirteen of the said Act is amended by adding thereto the following subsection:—

Proposal, etc., not to be withdrawn.

"(4) No such proposal or any security or guarantee tendered therewith may be withdrawn pending the decision of the creditors and the court with respect thereto." (New.)

Property of debtor.

**9.** Section twenty-three of the said Act is amended by adding after sub-paragraph *(b)* the following:—

Property divisible amongst creditors.

"*(c)* Such earnings or income of the debtor not exempt from execution, seizure or attachment under the laws of the province in which the debtor resides, as the court may order to be paid to the trustee." (New.)

**10.** Subsection two of section twenty-five of the said Act is repealed and the following is substituted therefor:—

Costs.

"(2) Notwithstanding the provisions of subsection one of this section, one only bill of costs, including sheriff's fees, shall be payable to the garnishing, attaching or execution creditor who has first attached by way of garnishment or lodged with the sheriff an attachment, execution or other process against property."

(2) The new subsection eight is to meet the case where a debtor who has practically no assets makes an assignment. In such a case, no person will act as custodian or trustee, and the assignment merely operates to stay subsequent proceedings against the assignor. The proposal is to enable the Official Receiver in such a case to cancel the assignment.

**7.** This section reads the same except for the addition of the words underlined on the opposite page. This amendment is to avoid the expense and delay of calling a meeting of creditors to consider a composition which the creditors would almost certainly reject. By the amendment the proposal must first be approved by the inspectors.

**8.** This is to prevent a proposal for a composition, and any security which is given in connection therewith, from being withdrawn between the time of the offer and the decision of the court approving or disapproving.

**9.** Section twenty-three of the Act describes what property is divisible amongst the creditors, and this amendment is to make it clear that earnings or income of the debtor after the assignment or receiving order shall belong to the creditors to the extent that the court may order.

**10.** This amendment is to correct an error that was made in the revision of the Act in 1927, when the words "one only" were transposed.

**11.** Subsection two of section twenty-six of the said Act is repealed and the following is substituted therefor:—

Sheriff to deliver property of debtor to trustee.

"(2) If an authorized assignment or a receiving order has been made, the sheriff or other officer of any court having seized property of the debtor under execution or attachment or any other process, shall, upon receiving a copy of the assignment certified by the trustee named therein or of the receiving order certified by the registrar or other clerical officer of the court which made it, forthwith deliver to the trustee all the property of the execution debtor in his hands."

**12.** (1) Subsection two of section twenty-eight of the said Act is repealed and the following is substituted therefor:—

*Canada Gazette* to be kept on file by registrars, recorders, or clerks, and notices indexed.

"(2) The registrars of the courts of bankruptcy, and Official Receivers shall keep on file for public reference a copy of each issue of the *Canada Gazette* which contains any notice or notices of, incident to or resulting from receiving orders or authorized assignments referring to bankrupts or assignors who resided or carried on business in the province wherein the said courts are situated."

(2) Subsection four of section twenty-eight is repealed, and the following is substituted therefor:—

Fees.

"(4) A fee not exceeding twenty-five cents for each search and fifty cents for each certificate may be charged by such registrar or Official Receiver."

**13.** Subsections one and two of section twenty-nine of the said Act are repealed and the following are substituted therefor:—

Assignment to be registered in proper registry.

"**29.** (1) Every receiving order and every authorized assignment (or a true copy certified as to such order by the registrar or other clerical officer of the court which has made it, and as to such assignment certified by the Official Receiver therein named) may be registered or filed by or on behalf of the custodian or trustee in the proper office in every district, county or territory in which the whole or any part of any real or immovable property which the bankrupt or assignor owns or in which he has any interest or estate is situate.

Proper registry.

"(2) The proper office in this section referred to shall be the land registration office, registry office or other office wherein, according to the law of the province, deeds or other documents of title to real or immovable property may or ought to be deposited, registered or filed."

**14.** The said Act is further amended by inserting the following section immediately after section twenty-nine thereof:—

**11.** Where an assignment or receiving order is made after a judgment has been executed by the sheriff, the sheriff must turn the property over to the trustee "*upon paymcnt by the trustee of his fees and charges and the costs of the execution creditor who has a lien as in this section provided.*" It is proposed to strike out the words quoted on the ground that it is unfair to require the trustee to find in advance the cash to pay the sheriff's fees and the execution creditor's costs, which are sufficiently protected by being given priority in the distribution of the assets by section one hundred and twenty-one. (The words quoted were at the end of the subsection after the word "hands.")

**12.** (1) The amendment is to relieve the registrars of land titles and land registry offices from the obligation of keeping the Canada Gazette and maintaining an alphabetical index of all assignments and receiving orders in the province, and to require the Official Receivers to keep it and maintain the index.

The subsection to be repealed reads as follows:—

"(2) The registrars of the courts of bankruptcy, *the registrars of all land title and land registration offices and the recorders or clerks of all courts and offices wherein any documents of title relating to property are, according to the provisions of this Act or of the law of a province, registered, recorded or filed,* shall keep on file for public reference a copy of each issue of the *Canada Gazette* which contains any notice or notices, of, incident to or resulting from receiving orders or authorized assignments referring to bankrupts or assignors who resided or carried on business in the province wherein the said courts or offices are situated;"

(2) The underlined words "Official Receiver" are substituted for the words "*recorder or clerk.*"

**13.** The underlined word "may" is substituted for the word "shall". The amendment is to permit rather than to require the trustee to register the assignment or receiving order against the land of the debtor.

The words "land titles office" are left out before the words "land registration office" in the second line of subsection (2). The amendment is to confine the operation of section twenty-nine to land registry offices, leaving land titles offices and property in such offices to be dealt with under the new section twenty-nine A below.

**14.** The new section twenty-nine A is to provide that in place of registering the assignment or receiving order in the land titles office, the trustee may register a caution so as to bring the procedure in line with the land titles procedure in other cases, and may be registered as owner.

Land registered under a Land Titles Act.

"**29A.** (1) Whenever any land or charge, of which the debtor is owner, is registered under a Land Titles Act, a caution, in the form to be prescribed by General Rules, may be lodged with the proper master or registrar by the custodian or trustee, as the case may be, as soon as practicable after his appointment. No registration shall thereafter be made in respect of such land or charge on behalf of the said registered owner unless such caution is removed. Upon the caution being removed the land or charge shall be dealt with in the same manner as if no caution had been lodged.

Trustee to be registered as owner.

(2) Whenever the debtor is the owner of any land or charge registered under a Land Titles Act, the trustee shall, on production of evidence that the land or charge is part of the property of the debtor, be entitled to be registered as owner and his title shall have precedence of all certificates of judgment, judgments operating as hypothecs, executions and attachments against land (except such thereof as have been completely executed by payment) within the office of such master or registrar or within the district, county or territory which is served by his office, but subject to a claim for the costs of registration and sheriff's fees, of such judgment, execution or attaching creditors as have registered or filed in such office their judgments, executions or attachments.

'Proper master or registrar.'

(3) 'Proper master or registrar' shall mean the master, local master or registrar under a Land Titles Act in whose office the land or charge of the debtor is registered." (New).

**15.** Section thirty-two of the said Act is repealed and the following is substituted therefor:—

Law of province to apply in favour of purchaser for value.

"**32.** Notwithstanding anything contained in this Act, any deed, conveyance, transfer, agreement for sale, mortgage, charge or hypothec made to or in favour of a *bona fide* purchaser or mortgagee for good and valuable consideration and covering any real or immovable property affected by a receiving order or an authorized assignment under this Act, shall be valid and effectual according to the tenor thereof and according to the laws of the province in which the said property is situate as fully and effectually and to all intents and purposes as if no receiving order or authorized assignment had been made under this Act, unless such receiving order or authorized assignment or notice thereof, or caution, has been registered against the said property in the proper office as required and defined by sections 29 and 29A of this Act, prior to the registration of any such deed, conveyance, transfer, agreement for sale, mortgage, charge or hypothec in accordance with the laws of the province in which the said property is situate."

**15.** The proposed revision of section thirty-two is to protect all *bona fide* purchases and to dispense with the onerous provision which gave the trustee three months within which to register the assignment or receiving order.

Section thirty-two, to be repealed, at present reads as follows:—

"**32.** The law of the province in which real, or immovable, property is situate as to registration and the effect of non-registration of documents affecting title to or liens upon real, or immovable property, shall, notwithstanding anything in this Act, apply in favour of purchasers for value without notice, to any lot of real, or immovable, property which has not been identified in manner required by section twenty-nine of this Act within three months after the making of the receiving order or authorized assignment whereunder any title to or interest in such lot has vested in an authorized trustee, and in cases in which the foregoing provision shall come into operation the trustee's title to or interest in such lot whall be and be deemed divested to the extent necessary to permit such provision so to come into operation."

**16.** Subsection two of section thirty-three of the said Act is repealed and the following is substituted therefor:—

On application of trustee or creditor.

"(2) Such amendment may be made on application to the trustee or of any creditor on such notice being given to other parties concerned as the court shall think reasonable; and the amendment when made shall have relation back to the date of the assignment or petition in bankruptcy, but not so as to prejudice the rights of innocent purchasers for value."

**17.** Subsections one and two of section thirty-four of the said Act are repealed and the following are substituted therefor:—

When possession to be taken by custodian.

"**34.** (1) The custodian whether appointed by the court pursuant to a receiving order, or by the Official Receiver pursuant to an authorized assignment, shall take immediate possession of the books and all the property of the debtor liable to seizure, and for the purpose of making an inventory thereof shall be entitled to enter upon any premises where the goods or property of the debtor are, notwithstanding that such goods or property are in the possession of a sheriff or bailiff or secured creditor or other claimant thereto.

May take conservatory measures.

"(2) The custodian may under the direction of the Official Receiver take conservatory measures and summarily dispose of goods which are perishable or likely to depreciate rapidly in value, or may carry on the business of the debtor for such period as the court deems advisable."

The Trustee.

**18.** Section thirty-six of the said Act is repealed and the following is substituted therefor:—

Minister may appoint trustees.

"**36.** (1) The Minister may license any qualified person who complies with the requirements of this Act preliminary to the granting of a licence, as a licensed trustee under this Act.

Application for licence.

(2) Any person desiring to obtain a licence as a trustee shall file with the Superintendent an application for licence in such form as may be prescribed, and shall deposit security for the due and faithful performance of his duties, in such form and amount as shall be prescribed. Such security may be enforced by the Superintendent for the benefit of the creditors.

Investigation and report.

(3) The Superintendent shall make such independent investigation into the character and the experience, financial responsibility, and efficiency in administering estates in the interest of creditors, of any applicant for licence as the Superintendent deems advisable or expedient, and shall report to the Minister the result of such investigation,

**16.** The underlined word "court" is substituted for the word "judge" so as to bring subsection two of section thirty-three into line which enables the court, including the registrar, to amend proceedings.

**17.** Subsection one is amended by the addition at the end thereof of the words underlined on the opposite page. The amendment is designed to enable the custodian, for the purpose of making an inventory, to go upon the premises of a sheriff, bailiff or mortgagee or secured creditor who is in possession of the assets.

The amendment to subsection two is to enable the custodian to dispose of seasonal goods just as he may now dispose of perishable goods.

**18.** The proposed new section thirty-six will provide for the licensing of trustees by the Minister of Finance on the recommendation of the Superintendent of Bankruptcy. A licence shall be for one year, and may be suspended, cancelled or renewed and the trustee is to give a bond to the Superintendent.

The section to be repealed, at present reads as follows:—

"**36.** Every trustee appointed by the creditors as hereinafter provided shall within seven days give security in cash or by bond of an approved guarantee company, satisfactory to the Official Receiver, conditioned for the due accounting and for the payment over and transfer of all moneys and property received by him as such trustee.

2. Such security shall be deposited with the Official Receiver and shall be given in favour of the creditors generally and may be enforced by one of them on behalf of all by direction of the court.

3. Every trustee duly appointed shall for the purpose of obtaining possession of and realizing upon the assets of the bankrupt or authorized assignor have power to act as such anywhere."

together with his recommendation for or against the granting of the application and giving his reasons therefor.

Licence.

(4) The Minister, as soon as he has received a report from the Superintendent as to the qualifications of any applicant for licence, and that proper security has been duly deposited and that the applicant has conformed to the requirements of this Act may, if he considers it will be of public advantage so to do, issue the licence, and may in and by the licence restrict the powers and duties of the licensee to any bankruptcy district or any part thereof.

Form of licence.

(5) The licence shall be in the prescribed form and shall expire on the thirty-first of December in each year but may be renewed from year to year subject, however, to any qualification or limitation which may seem expedient. The fee payable for such licence and any renewal thereof shall be such as is prescribed.

Validity of licence.

(6) The validity of any licence purporting to be issued by the Minister under this Act shall not be called in question on behalf or at the instance of any person other than the Minister.

Power to act anywhere.

(7) Every licensed trustee shall for the purpose of obtaining possession of and realizing upon the assets of the bankrupt or authorized assignor have power to act as such anywhere.

'prescribed.'

(8) The word 'prescribed' when used in this section means prescribed by the Minister." (New).

Superintendent of Bankruptcy.

**19.** The said Act is further amended by inserting immediately after section thirty-six thereof the following section:—

Appointment.

"**36A.** (1) The Governor in Council may appoint an officer to be called the Superintendent of Bankruptcy who shall hold office during pleasure and who shall be paid such salary as may be authorized by law.

To supervise bankrupt estates.

(2) The Superintendent shall supervise, as herein provided, the administration of all bankrupt or insolvent estates to which this Act applies, except estates administered under section thirty-five hereof.

Duties of Superintendent.

(3) The Superintendent shall keep a record of every application for licence received by him in cases where licences have been granted, and shall

*(a)* enter in a book under the name of the person licensed the name of every insolvent debtor in respect of whose estate such licensee is appointed as trustee, the value from time to time of the assets in the hands of the licensee, and particulars of the security deposited by such licensee;

*(b)* in each case before the renewal of any licence, make a report to the Minister that the application should or should not in his opinion be granted, giving his reasons therefor;

**19.** The Superintendent of Bankruptcy is to be appointed by the Governor in Council, and shall supervise the administration of estates as set out in the proposed new section thirty-six A.

*(c)* keep a record of the licences as they are issued;

*(d)* from time to time make or cause to be made such inspection of the administration of estates as he deems expedient;

*(e)* require each licensee under this Act from time to time either to increase or decrease the security deposited with the Superintendent to such extent as the Superintendent may from time to time determine;

*(f)* receive and keep a record of all complaints from any creditor or other person interested in any bankrupt or insolvent estate coming under the jurisdiction of the Superintendent, and make such specific investigations with regard to such complaints as the Superintendent may determine, and report to the Minister thereon;

*(g)* make a report to the Minister after any investigation by the Superintendent or any one on his behalf, if it should appear that any licensee under this Act has not fully complied with the law with regard to the proper administration of any bankrupt or insolvent estate together with such recommendations to the Minister as the Superintendent may deem advisable or expedient;

*(h)* make such report to the court in connection with any application by a debtor or a trustee for his discharge as the Superintendent sees fit.

Suspension or cancellation of licence by Minister.

(4) The Minister, after full consideration of any report received by him from the Superintendent and after a reasonable time has been given to the licensee to be heard by him, and upon such further inquiry and investigation as he sees proper to make may suspend or cancel his licence of any licensee under this Act, and in such case shall direct that such licensee be removed as trustee of all bankrupt or insolvent estates being administered by such licensee, and may appoint some other licensee to act as trustee in the place or stead of the trustee whose licence has been suspended or cancelled.

Appointment of employees.

(5) Such employees as are required to assist the Superintendent to perform his functions under this Act shall be appointed according to the provisions of the *Civil Service Act.*" (New.)

**20.** (1) Subsections one and two of section thirty-seven of the said Act are repealed and the following are substituted therefor:—

Appointment of trustee.

"**37.** (1) The creditors shall at their first meeting appoint by ordinary resolution any licensed trustee as trustee for the administration of the estate.

**20.** (1) The amendment to subsection one of section thirty-seven is to harmonize this provision with the new licensing provisions.

The amendment to subsection two is to enable the creditors or the court to appoint a new trustee, notwithstanding that, as a result of death or resignation, there is no trustee in office.

The proposed new subsection seven is to provide for the appointment of a trustee by the court to administer assets discovered after the administration has been completed.

Subsections (1) and (2) of section thirty-seven at present read as follows:—

"**37.** The creditors shall at their first meeting appoint by ordinary resolution *any person but the Official Receiver* as trustee for the administration of the estate.

Removal of trustee.

"(2) The creditors may, by ordinary resolution, at any meeting, and the court may for cause appoint a new licensed trustee and remove a trustee who is in office."

(2) Section thirty-seven is further amended by adding thereto the following subsection:—

If assets have not been got in.

"(7) The court, upon being satisfied that there are assets which have not been got in, may, on the application of any person interested, at any time after the discharge of the trustee as hereinafter provided for, appoint a trustee to complete the administration of the estate of an undischarged debtor. Such trustee shall be governed by the provisions of this Act as if appointed trustee in the first instance." (New.)

In composition or extension proceedings.

**21.** Subsection two of section thirty-eight of the said Act is repealed.

**22.** Subsection one of section forty of the said Act is repealed and the following is substituted therefor:—

Trustee to insure property of debtor.

"**40.** (1) The trustee shall forthwith insure and keep insured in his official name until sold or disposed of, all the insurable property of the debtor, to the fair realizable value thereof or to such other insurable amount as may be approved by the inspectors or by the court, in insurance companies authorized to carry on business in the province wherein the insured property is situate."

**23.** (1) Subsection two of section forty-five of the said Act is repealed and the following is substituted therefor:—

Method of sale of hypothecated property.

"(2) If one or more privileges or hypothecs are registered in the registry office against an immovable property of the bankrupt or assignor, the sale of such immovable property shall only be made by the sheriff of the district in which such immovable property is situate unless the consent in writing to the contrary is given by each of the hypothecary or privileged creditors or unless the sale is made subject to the privileges or hypothecs of the creditors not having so consented. On application of the trustee, authorized by the inspectors, the judge may authorize the trustee to direct the proper sheriff to sell the immovable property. The sheriff shall carry out such direction without giving any notice to the bankrupt or assignor or to the trustee, but shall otherwise observe the provisions of the code of procedure of the province of Quebec. If the immovable property is situate in more than one district, the court may order the sale of this property as a whole in one of the districts specified in the order."

(2) Subsection six of section forty-five is repealed and the following is substituted therefor:—

"2. A trustee may be removed and another trustee appointed or substituted by creditors by ordinary resolution at any meeting of creditors or for cause by the court."

**21.** The subsection to be repealed reads as follows:—

"2. The official name of an authorized trustee acting with respect to proceedings by a debtor for a composition of, or extension of time for the payment of, his debts, or an arrangement of his affairs shall be "The Trustee acting *in re* the proposal of.....(insert the name of the debtor) for a composition of his debts" or "arrangement of his affairs." "

This provision should have been repealed in 1923 when it was enacted that no composition under the statute could be made unless there had been a receiving order or assignment. Since that enactment, every case is covered by subsection one of section thirty-eight.

**22.** The present requirement, that the trustee shall "on the making of a receiving order or an authorized assignment" forthwith insure, requires to be amended inasmuch as the trustee is only appointed some days after the receiving order or assignment. Therefore, it is proposed to omit the words quoted.

**23.** (1) Subsection 2, to be repealed, at present reads as follows:—

"2. The sale of such immovable property, unless a written consent to the contrary is obtained from each hypothecary or priviledged creditor whose claim has been duly registered, or unless the sale is made subject to hypothec or privilege of any such creditor not so consenting, shall be made at public auction at the place prescribed and after advertisement as required for the sale of immovable property, by the sheriff in the district or place where such immovable property is situate: Provided that in case of a sale of property situate in more than one district or place the court may direct a sale of all such property as an entirety at one place, to be specified in the order, and after such notice as the court may direct."

The amendment to subsection two of section forty-five is to require the property of the debtor in the province of Quebec, which is the subject of a privilege or hypothec, to be sold by the sheriff rather than by the trustee as heretofore.

(2) Subsection six, to be repealed, at present reads as follows:—

"6. On such sales, the trustee shall fulfil all the duties imposed on the sheriff by articles two thousand one hundred and sixty-one *(d)* to two thousand one hundred and sixty-one *(k)* inclusive of the civil code of the province of Quebec. The registrars of the different registration divisions of the said province shall also fulfil all the duties imposed upon them by the said articles, and shall be deemed to be officers of the court having jurisdiction in bankruptcy for the carrying out of the provisions of this section."

The amendment to subsection six is to require the sheriff to comply with the laws of the province ia making such sale.

Duties imposed by civil code.

"(6) On such sales, the sheriff shall fulfil all the duties imposed on him by paragraphs *(d)* to *(k)*, both inclusive, of section two thousand one hundred and sixty-one of the civil code of the province of Quebec. The registrars of the different registration divisions of the said province shall also fulfil all the duties imposed upon them by the said paragraphs, and shall be deemed to be officers of the court having jurisdiction in bankruptcy for the carrying out of the provisions of this section."

(3) The said section forty-five is further amended by adding thereto the following subsections:—

Immovable free of privilege may be sold.

"(9) If no privilege or hypothec is registered against an immovable property of a bankrupt or assignor, such immovable property may be sold by the trustee with the written permission of the inspectors, in conformity with paragraph *(a)* of subsection one of section forty-three of this Act. (New.)

Remuneration of trustee.

" (10) In fixing the remuneration of the trustee, only that part of the sale price of immovable property which is available for distribution amongst ordinary creditors shall be taken into account." (New.)

**24.** Subsections one, two and three of section fifty-one of the said Act are repealed and the following are substituted therefor:—

Trustee may incur obligations, etc.

"**51.** (1) Subject to the provisions of subsection two an interim receiver, custodian or trustee may incur obligations, borrow money and give security on any property of the estate by mortgage, hypothec, charge, assignment, pledge or otherwise including security under the provisions of the *Bank Act*, and make necessary or advisable advances, which obligations and advances so incurred or made, and moneys so borrowed, shall be discharged or repaid to the lender or to the interim receiver, custodian or trustee out of the assets of the debtor in priority to the claims of the creditors.

Power to borrow money.

" (2) The powers of an interim receiver, custodian or trustee to borrow money and give security therefor shall be limited to the borrowing of money in such amounts and on such terms and to the giving of security to such amount and upon such property of the estate and in such manner as may be authorized by the court and for the purpose of giving security under section eighty-eight of the *Bank Act* the interim receiver, custodian or trustee, if authorized to carry on the business of the debtor, shall be deemed to be a person engaged in the class of business previously carried on by the debtor. (New.)

Limit of advances.

" (3) The creditors or inspectors may by resolution limit the amount of the obligations which may be incurred, the advances which may be made or moneys which may be

(3) The proposed new subsection nine is to enable the trustee to sell if no privilege or hypothec is registered.

The proposed new subsection ten is to make it clear that in calculating the trustee's remuneration, account is not to be taken of the proceeds of any sale which are to be distributed amongst secured creditors.

**24.** Subsections one, two and three, to be repealed, at present read as follows:—

"**51.** *If an interim receiver or the custodian or trustee is directed to continue the business of a debtor, he* may *for this purpose* incur obligations, borrow money, and give security on any property of the estate by mortgage, pledge or otherwise, including security under the provisions of the Bank Act, and make necessary or advisable advances, which obligations and advances so incurred or made including obligations for money so borrowed, shall be discharged or repaid to the interim receiver, the custodian or trustee out of the assets of the debtor in priority to the claims of the creditors.

2. The creditors or inspectors may by resolution limit the amount of the obligations or advances which may be so incurred or made by the trustee *in the continuance of the business* or the period of time for the continuance of the business.

borrowed by the trustee and may limit the period of time during which the business of the debtor may be continued by the trustee.

Trustee not obliged to continue.

"(3A) The trustee shall not be under obligation to continue the business of the debtor if in his opinion the realizable value of the assets of the debtor is insufficient to protect him fully against possible loss occasioned by so doing, and if the creditors, upon demand made by the trustee, neglect or refuse to secure him against such possible loss."

**25.** Subsection one of section fifty-six of the said Act is repealed and the following is substituted therefor:—

Report to creditors and superintendent by trustee.

"**56.** (1) The authorized trustee of a bankrupt or assignor shall from time to time report,

*(a)* when required by the inspectors, to every creditor; and

*(b)* when required by any specific creditor, to such creditor, and

*(c)* when required by the Superintendent to such Superintendent,

showing the condition of the debtor's estate, the moneys on hand, if any, and particulars of any property remaining unsold."

**26.** Subsection one of section fifty-seven of the said Act is repealed and the following is substituted therefor:—

Documents to be forwarded to Superintendent and to Statistician.

"**57.** (1) The authorized trustee of a bankrupt or assignor shall promptly after their receipt or preparation mail to the Superintendent and to the Dominion Statistician, Department of Trade and Commerce, Ottawa, a true copy of

*(a)* the notice referred to in section twenty-eight of this Act;

*(b)* the statement referred to in section one hundred and twenty-nine of this Act;

*(c)* the abstract of receipts and disbursements and the dividend sheet referred to in section seventy-eight of this Act;

*(d)* every order made by the court upon the application for discharge of any bankrupt or authorized assignor;

*(e)* the statement prepared by the trustee upon which a final dividend is declared; and

*(f)* any order made under subsection five of section nineteen of this Act annulling any adjudication of bankruptcy."

**27.** Subsection two of section sixty-three of the said Act is repealed and the following is substituted therefor:—

Provisions not to apply in certain cases.

"(2) This section shall not apply if, in the province where the assignor has his principal place of business, there

3. The trustee shall not be under obligation to continue the business if in his opinion the realizable value of the assets of the debtor is insufficient to protect him fully against possible loss *from* so doing, and if the creditors, upon demand made by the trustee, neglect or refuse to secure him against such possible loss."

The present section fifty-one authorizes the trustee to borrow, but only in the case where he is authorized to continue the business of the debtor. The proposed new subsections one, two and three and three *(a)* are to provide, in addition, for borrowing where the trustee does not propose to continue the business. Otherwise these subsections are substantially the same as the present subsections.

**25.** The only change is the addition of new paragraph *(c)* so as to harmonize the section with the new licensing provisions.

**26.** The first lines of subsection one of section fity-seven at present read as follows:—

"(1) The authorized trustee of a bankrupt or assignor *(but not the trustee under a composition, extension or arrangement of a debtor's debts or affairs)* shall promptly after their receipt or preparation mail to the Dominion Statistician, Department of Trade and Commerce, Ottawa, a true copy of,"

This amendment is to harmonize the section with the new licensing provisions.

**27.** Subsection two of section sixty-three at present reads as follows:—

"2. This section shall not apply in any province in which there is a statute providing for the registration of such assignment, if the assignment in question is registered in compliance therewith."

Section sixty-three protects an assignment of book debts, provided the same is registered according to provincial law. Under the present subsection (2) it is not clear in which province the assignment is to be registered. This is to make it clear that registration must be in the province where the debtor has his principal place of business.

is a statute providing for the registration of such assignment, and if the assignment is registered in compliance therewith."

**28.** Subsection one of section seventy-eight of the said Act is repealed and the following is substituted therefor:—

Abstract of receipts and disbursements.

"**78.** (1) So soon as a final dividend sheet is prepared, the trustee shall send by mail to every creditor and to the Superintendent

*(a)* a notice of the fact,

*(b)* an abstract of his receipts and expenditures as trustee which abstract shall indicate what amount of interest has been received by the trustee for moneys in his hands, and

*(c)* a copy of the dividend sheet with notice thereon

(i) of the claims objected to and

(ii) whether any reservation has been made therefor and

*(d)* notice that he will apply to the court on a day named therein for his discharge."

Remuneration of trustee.

Disbursements to be taxed.

**29.** (1) Subsection five of section eighty-five of the said Act is repealed and the following is substituted therefor:—

"(5) The disbursements of a trustee shall in all cases be taxed by the prescribed authority."

(2) Section eighty-five is further amended by adding thereto the following subsection:—

No remuneration allowed in certain cases.

"(6) Where it appears to the satisfaction of the court that any solicitation has been used by or on behalf of a trustee in obtaining proxies or in procuring the trusteeship, the court shall have power, on the application of a creditor or otherwise, to order that no remuneration shall be allowed to the person by whom or on whose behalf such solicitation may have been exercised, notwithstanding any resolution of the inspectors or of the creditors to the contrary." (New.)

Meetings of creditors.

First meeting of creditors.

**30.** Subsection one of section eighty-eight of the said Act is repealed and the following is substituted therefor:—

"**88.** (1) It shall be the duty of the custodian to inform himself by reference to the debtor and his records and otherwise, of the names and addresses of the creditors and within five days from the date of his appointment, to mail prepaid and registered to every creditor known to him a circular calling the first meeting of creditors at the office of the Official Receiver in the locality of the debtor to be named in the notice."

Procedure at meetings.

Persons not entitled to vote.

**31.** Section ninety-eight of the said Act is amended by adding thereto the following subsection:—

"(3) The following persons shall not be entitled to vote on the appointment of a trustee, namely:

**28.** This is to harmonize section seventy-eight with the new licensing provisions. The only change is ths addition of the underlined words "and to the Superintendent."

**29.** (1) Subsection five at present reads as follows:—

"(5) The remuneration of the trustee for all services shall not under any circumstances exceed five per cent of the cash receipts, except with the approval in writing of the inspectors and of the court."

The present section eighty-five requires the trustee to have his disbursements taxed "unless the taxation is waived either by the creditors at a general meeting called prior to the declaration of the final dividend, or by the inspectors." The amendment is to dispense with the power of inspectors or creditors to waive taxation by striking out the words above quoted.

The proposed subsection six is new and will adopt the English principle that if a trustee has obtained his appointment by solicitation, the court may order that no remuneration be paid him.

**30.** The underlined words "his appointment" are substituted for the words "the receiving order or assignment". The section at present requires the custodian to give notice of the first meeting "within five days from the date of the receiving order or assignment". As the custodian is only appointed after the assignment or receiving order, the amendment is to provide that thc fivc day period will run from his appointment.

**31.** This amendment is to disqualify members of the family of the debtor from voting on the appointment of the trustee.

(i) the father, mother, wife husband, son, daughter, sister, brother, uncle or aunt of the bankrupt or authorized assignor;

(ii) if the bankrupt or authorized assignor is an incorporated company, any officer, director or employee thereof." (New.)

Inspectors.

**32.** Section one hundred and three of the said Act is amended by adding thereto the following subsection:—

Certain persons not eligible as inspectors.

"(7) No person shall be eligible to be appointed or to act as an inspector who is a party to any action or proceedings by or against the estate." (New.)

**33.** Section one hundred and five of the said Act is repealed and the following is substituted therefor:—

Proof of debts.

"**105.** (1) Every creditor shall prove his debt as soon as may be after the making of a receiving order or after the date of an authorized assignment or as soon as possible after such creditor has received notice of a meeting for the consideration of a composition, extension or scheme of arrangement.

Proof by post.

(2) A debt may be proved by delivering or sending through the post in a prepaid and registered letter to the custodian or trustee, an affidavit verifying the debt.

Affidavit.

(3) The affidavit may be made by the creditor himself or by some person authorized by him on behalf of the creditor, and if made by a person so authorized, it shall state his authority and means of knowledge.

Shall refer to account.

(4) The affidavit shall contain or refer to a statement of account showing the particulars of the debt, and shall specify the vouchers, if any, by which the same can be substantiated, and the trustee may at any time call for the production of the vouchers.

Shall state whether secured.

(5) The affidavit shall state whether the creditor is or is not a secured creditor.

Who may examine proofs.

(6) Every creditor who has lodged a proof shall be entitled to see and examine the proofs of other creditors before the first meeting, and at all reasonable times."

**34.** Subsection one of section one hundred and seven of the said Act is repealed and the following is substituted therefor:—

Secured creditor to value securities.

"**107.** (1) If a secured creditor does not either realize or surrender his security he may if he wishes to rank for dividend and he shall within thirty days after demand made upon him by the trustee or within such further time as may be allowed by the inspectors or the court, file with the trustee an affidavit stating therein full particulars of his security, or securities, the date when each security was given and the value at which he assesses each thereof."

**32.** This amendment is to disqualify a person who is a party to any action by or against the estate, from acting as inspector.

**33.** The only change is the substitution of the word "affidavit" for the words "statutory declaration".

Section one hundred and five provides for the proof of debts by means of a statutory declaration. The amendment will provide for proof by "affidavit," which is defined to include a statutory declaration.

**34.** Section one hundred and seven provides for the proof of debts by means of a statutory declaration. The amendment will provide for proof by "affidavit," which is defined to include a statutory declaration.

Restricted creditors.

Postponement of wife's claim.

**35.** Section one hundred and sixteen of the said Act is repealed and the following is substituted therefor:—

"**116.** Where a married man has been adjudged bankrupt or has made an authorized assignment his wife shall not be entitled to claim any dividend as a creditor in respect of any money or other estate lent or entrusted by her to her husband for the purpose of his trade or business, or claim any wages, salary or compensation for work done or services rendered in connection with his trade or business, until all claims of the other creditors of her husband for valuable consideration in money or money's worth have been satisfied."

Restricted creditors.

Postponement of wage claims of relatives.

**36.** Section one hundred and seventeen of the said Act is repealed and the following is substituted therefor:—

"**117.** Where any person or firm has been adjudged bankrupt or has made an authorized assignment, a father, son, daughter, mother, brother, sister, uncle or aunt of any such person or of any member of said firm shall not be entitled to claim by way of dividend or otherwise from the trustee any wages, salary or compensation for work done or services rendered to said person or firm until all claims of the other creditors of said person or firm for valuable consideration in money or money's worth have been satisfied."

Restricted creditors.

Postponement of wage claims of shareholders and directors.

**37.** Section one hundred and eighteen of the said Act is repealed and the following is substituted therefor:—

"**118.** Where any corporation has been adjudged bankrupt or has made an authorized assignment, no officer, director or shareholder thereof shall be entitled to claim by way of dividend or otherwise from the trustee, any wages, salary or compensation for work done or services rendered to such corporation, until all claims of the other creditors of said corporation for valuable consideration in money or money's worth have been satisfied."

**38.** Subsection one of section one hundred and twenty-one of the said Act, as amended by section one of chapter eighteen of the statutes of 1931, is repealed and the following is substituted therefor:—

Priority of claims.

"**121.** (1) Subject to the provisions of section one hundred and twenty-six as to rent, in the distribution of the property of the bankrupt or authorized assignor, there shall be paid, in the following order of priority:—

First, the costs and expenses of the custodian and the fees and expenses of the trustee;

Secondly, to the Receiver General of Canada such percentage of the gross receipts received by the trustee from and out of the sale of any property of the

**35.** The proposed amendment to section one hundred and sixteen is to postpone the wife of the debtor in respect of loans made by her to the bankrupt as well as wages or salary as at present, and so to place her in the same position as the husband of an insolvent married woman.

The section to be repealed at present reads as follows:—

"**116.** Where *the husband of a married woman* has been adjudged bankrupt or has made an authorized assignment, his wife shall not be entitled to claim any wages, salary or compensation for work done or services rendered after the thirtieth day of June, one thousand nine hundred and twenty, in connectioa with his trade or business, until all claims of the other creditors of her husband for valuable consideration in money or money's worth have beea satisfied."

**36.** Section one hundred and seventeen as amended is to postpone relatives in respect of claims for wages, etc., until all other creditors are paid, not excepting, as at present, wages for three months.

Section one hundred and seventeen, to be repealed, at present reads as follows:—

"**117.** Where any person or firm has been adjudged bankrupt or has made aa authorized assignment, any father, son, daughter, mother, brother, sister, uncle or aunt of any such person or of any member of said firm shall not be entitled to claim by way of dividend or otherwise from the trustee any wages, salary or compensation for work done or services rendered *after the thirtieth day of June, one thousand nine hundred and twenty*, to said person or firm *exceeding an amount equal to three months' wages, salary or compensation*, until all claims of the other creditors of said person or firm for valuable consideration in money or money's worth have been satisfied."

**37.** Section one hundred aad eighteen as amended is to postpone the claims of any officer, director or shareholder of a corporation in respect of wages, etc., until all other creditors are paid, not excepting, as at present, wages, etc., for three months.

Section one hundred and eighteen, to be repealed, at present reads as follows:—

"**118.** Where any corporation has been adjudged bankrupt or has made an authorized assignment no officer, director or shareholder thereof shall be entitled to claim by way of dividend or otherwise from the trustee any wages, salary or compensation for work done or services rendered *after the thirtieth day of June, one thousand nine hundred and twenty*, to such corporation *exceeding an amount equal to three months' wages, salary or compensation*, until all claims of the other creditors of said corporation for valuable consideration in money or money's worth have been satisfied."

**38.** The amendment to section one hundred and twenty-one is to enable the Governor in Council to fix a percentage to be deducted from the gross receipts of all insolvent estates, to be paid over to the Receiver General in priority of certain other claims to defray the expenses of supervision, by the Superintendent.

The further amendment is to harmonize the section with the new section 29a.

That part of sectioa one hundred and twenty-one which is amended reads as follows:—(There is no change in the paragraphs starting "Fourthly" and "Fifthly.")

"**121.** Subject to the provisions of section one hundred and twenty-six as to rent, in the distribution of the property of the bankrupt or authorized assignor, there shall be paid, in the following order of priority:—

First, the costs and expenses of the custodian and the fees and expenses of the trustee;

Secoadly, the costs of the garnishiag, attaching, execution or judgment creditor (including sheriff's fees and disbursements) coming within the provisions of subsection one of section twenty-five and subsection three of section twenty-nine;"

debtor, as may be fixed from time to time by the Governor General in Council for the purpose of defraying the expenses of supervision by the Superintendent;

Thirdly, the costs of the garnishing, attaching, execution or judgment creditor (including sheriff's fees and disbursements) coming within the provisions of subsection one of section twenty-five and subsection three of section twenty-nine and subsection two of section 29A;

Fourthly, all indebtedness of the bankrupt or authorized assignor under any Workman's Compensation Act and all wages, salaries, commissions or compensation of any clerk, servant, travelling salesman, labourer or workman, in respect of services rendered to the bankrupt or assignor during three months before the date of the receiving order or assignment: Provided that any commissions earned more than three months before the date of a receiving order or assignment, but not payable (by the terms of the creditor's agreement) until the shipment, delivery or payment of the goods sold, shall be deemed to have been earned within three months of the date of the receiving order or assignment, when the said goods have been shipped, delivered or paid for within three months of the receiving order or assignment; and provided, moreover, that any advances made on account of such commissions shall be deemed to have been legally paid on account thereof;

Fifthly, claims resulting from injuries to employees of the insolvent debtor to which the provisions of any Workmen's Compensation Act do not apply, but only upon moneys paid or payable to the insolvent estate by persons or companies guaranteeing the insolvent debtor against damages resulting from such injuries."

**39.** Section one hundred and thirty-three of the said Act is repealed and the following is substituted therefor:—

When bankrupt or assignor is a corporation.

"**133.** Whenever the bankrupt or authorized assignor is a corporation, the officer executing the assignment or such other officer as the Official Receiver shall direct, shall present himself before the Official Receiver for examination under section one hundred and twenty-eight, and, in case of failure to perform such duty, such officer shall be punishable as if he were the debtor."

Examination of debtors and others.

**40.** Section one hundred and thirty-four of the said Act is amended by adding thereto the following subsection:—

Examination of trustee, debtor, etc.

"(2) Upon application of any creditor to the court, at any time, upon sufficient cause being shown, an order may be made for the examination under oath before the registrar or other prescribed person, of the trustee or the debtor or of any inspector or creditor, for the purpose of investigating

**39.** The proposed amendment to section one hundred and thirty-three is to correct an omission which was made when this section was enacted in 1925. The only change is the addition of the underlined words "bankrupt or".

**40.** The proposed new subsection two of section one hundred and thirty-four is to provide for the examination of a trustee or creditor or inspector in connection with the administration of an estate.

the administration of the estate of any bankrupt or authorized assignor, and the court may further order any person liable to be so examined to produce any books, documents, correspondence or papers in his possession or power relating in all or in part to the debtor, the trustee or any creditor, the costs of such examination and investigation to be in the discretion of the court or judge." (New.)

Application for discharge of bankrupt.

**41.** (1) Subsections three and four of section one hundred and forty-one of the said Act are repealed and the following are substituted therefor:—

Registrar to notify trustee, superintendent and creditors.

"(3) The registrar shall, not less than twenty-eight days before the day appointed for hearing the application, give to the trustee notice of the application and of the time and place of hearing of it, and the trustee shall not less than fourteen days before the day appointed for hearing the application give to the Superintendent and to each creditor who has proved his debt like notice.

Trustee to file report with registrar

"(4) The trustee shall file with the registrar, at least three days before the day appointed for hearing the application, his report as to the conduct and affairs of the bankrupt or assignor (including a report as to the conduct of the bankrupt or assignor during the proceedings under his bankruptcy or assignment). In cases where the final dividend has not been paid, this report shall be accompanied by a resolution of inspectors declaring whether they approve or disapprove the said report, and in the latter case the reasons of this disapproval must be given."

(2) Section one hundred and forty-one is further amended by adding thereto the following subsection:—

Duties to be carried on.

"(9) The duties imposed upon the trustee under this section shall be carried out by him notwithstanding that he may have been discharged as trustee by the court." (New.)

**42.** Subsection one of section one hundred and forty-two of the said Act is repealed and the following is substituted therefor:—

Court may grant or refuse discharge.

"**142.** (1) On the hearing of the application, the court shall take into consideration the report of the trustee, and the resolution of the inspectors, and may either grant or refuse an absolute order of discharge or suspend the operation of the order for a specified time, or grant an order of discharge subject to any conditions with respect to any earnings or income which may afterwards become due to the bankrupt or authorized assignor, or with respect to his after-acquired property."

**41.** (1) The amendment to subsection three of section one hundred and forty-one is to harmonize this section with the new licensing provisions.

Subsection three, to be repealed, at present reads as follows:—

"3. The registrar shall, not less than twenty-eight days before the day appointed for hearing the application, give to the trustee notice of the application and of the time and place of the hearing of it, and the trustee shall, not less than fourteen days before the day appointed for hearing the application give to each creditor who has proved his debt like notice."

The amendment to subsection four of section one hundred and forty-one is to require, in certain circumstances, the inspectors to consider the trustee's report. The only change is the addition of the words underlined, starting "In cases . . ."

(2) The new subsection nine required the trustee to perform his statutory functions in connection with the application by the debtor for a discharge, notwithstanding that the trustee has himself been discharged.

**42.** The amendment to subsection one of section one hundred and forty-two is to require the court to consider the resolution of the inspectors provided for by the new subsection two of section one hundred and forty-one.

**43.** Section one hundred and fifty-six of the said Act is repealed and the following substituted therefor:—

Single judges to be assigned to bankruptcy work by Chief Justice.

"**156.** The Chief Justice of the court, and in the province of Ontario the Chief Justice of Ontario, and in the province of Quebec the Chief Justice or the Acting Chief Justice in the district of appeal in which he has been appointed, may, if in his opinion it be advisable or necessary for the good administration of this Act, nominate or assign one or more of the judges of the court ordinarily to exercise the judicial powers and jurisdiction conferred by this Act, which may be exercised by a single judge, and the judgment, decision or order of any such judge so nominated or assigned shall be deemed to be the judgment, decision or order of the court, and reference in this act to the court shall apply to any such judge exercising the powers and jurisdiction of the court: Provided that nothing in this subsection shall diminish or affect the powers or jurisdiction of the court or of any of the judges thereof not so specially nominated or assigned."

Proviso.

**44.** Section one hundred and fifty-seven of the said Act is amended by adding thereto the following subsection:—

Access to books, etc.

"(2) The Superintendent or any person appointed by him for such purpose shall have access to all books, records, documents, and papers connected with the estate of any bankrupt or authorized assignor, kept by any registrar, clerk or officer in bankruptcy." (New.)

Bankruptcy offencee.

**45.** Paragraphs *(a)*, *(b)* and *(c)* of section one hundred and ninety-one are repealed and the following are substituted therefor:—

Fraudulent debtors.

"*(a)* If he does not, to the best of his knowledge and belief, fully and truly discover to the trustee, custodian or interim receiver, all his property, real and personal, and how and to whom and for what consideration and when he disposed of any part thereof, except such part as has been disposed of in the ordinary way of his trade (if any) or laid out in the ordinary expense of his family, unless he proves that he had no intent to defraud;

"*(b)* If he does not deliver up to the trustee, custodian or interim receiver, or as he directs, all such part of his real and personal property as is in his custody or under his control, and which he is required by law to deliver up, unless he proves that he had no intent to defraud;

"*(c)* If he does not deliver up to the trustee, custodian or interim receiver, or as he directs, all books, documents, papers and writing in his custody, or under his control,

**43.** This amendment is designed to enable the Chief Justice in each district of appeal in Quebec to assign the judges to exercise bankruptcy jurisdiction within that district. The only change is the addition of the underlined words.

**44.** The proposed new subsection two of section one hundred and fifty-seven is to enable the Superintendent to have access to the court records.

**45.** The proposed amendments to paragraphs *(a)*, *(b)* and *(c)* of section one hundred and ninety-one are to make it an offence for the debtor to omit to turn over to the custodian or interim receiver as well as to the trustee, his property, books, etc.

The only change is the addition of the underlined words "custodian or interim receiver".

relating to his property or affairs, unless he proves that he had no intent to defraud."

**46.** Section one hundred and ninety-four of the said Act is amended by adding thereto the following subsection:—

Inspector accepting other fees.

"(2) If any inspector accepts from the bankrupt or authorized assignor or from any person, firm, or corporation on his behalf or from the trustee, any fee, commission or emolument of any kind other than, or in addition to the regular fees provided for by this Act, he shall be guilty of an indictable offence and shall on conviction be liable to a fine, not exceeding one thousand dollars, or to imprisonment for a term not exceeding one year, or to both said fine and imprisonment." (New.)

**47.** Section one hundred and ninety-five of the said Act is repealed and the following is substituted therefor:—

Order by Court for prosecution on report of superintendent, etc.

"**195.** (1) Where the Superintendent or an Official Receiver, custodian or authorized trustee reports to any court exercising jurisdiction under this Act, that in his opinion a debtor in respect of whose estate a receiving order has been made or who has made an authorized assignment, has been guilty of any offence under this Act, or where the court is satisfied, upon the representation of any creditor or inspector that there is ground to believe that the debtor has been guilty of any such offence, the court shall, if it appears to the court that there is a reasonable probability that the debtor will be convicted, order that the debtor be prosecuted for such offence.

Court not compelled to direct prosecution.

(2) It shall not be obligatory on the court, in the absence of any application by the Superintendent or an Official Receiver, custodian or trustee for such an order, to make an order under this section for the prosecution of an offence unless it appears to the court that the circumstances are such as to render a prosecution desirable."

**48.** Section one hundred and ninety-nine of the said Act is amended by repealing paragraph *(a)* thereof and substituting the following:—

Pretending to be trustee,

"*(a)* not being a licensed trustee, does any act as, or represents himself to be a licensed trustee; or"

Administration.

**49.** Section two hundred and two of the said Act is repealed.

Coming into force.

**50.** This Act shall come into force on a date to be fixed by proclamation of the Governor in Council, but shall not operate to disqualify any trustee appointed before that date.

**46.** The proposed new subsection two of section one hundred and ninety-four is to make it an offence for an inspector to accept any payments except those provided for by law.

**47.** The proposed amendment to section one hundred and ninety-five is to enable the court to order the prosecution of a debtor on the report of the Superintendent, Official Receiver or custodian, as well as upon the report of the trustee, as at present.

The section to be repealed at present reads as follows:—

"**195.** Where an authorized trustee reports to any court exercising jurisdiction under this Act that, in his opinion, a debtor in respect of whose estate a receiving order has been made or who has made an authorized assignment has been guilty of any offence under this Act, or where the court is satisfied, upon the representation of any creditor or inspector that there is ground to believe that the debtor has been guilty of any such offence, the court shall, if it appears to the court that there is a reasonable probability that the debtor will be convicted, order that the debtor be prosecuted for such offence.

2. It shall not be obligatory on the court, in the absence of any application by the trustees for such an order, to make an order under this section for the prosecution of an offence unless it appears to the court that the circumstances are such as to render a prosecution desirable."

**48.** The amendment to section one hundred and ninety-nine is to make it an offence for any person to act as, or represent himself to be, a licensed trustee, who has no licence.

The paragraph to be repealed at present reads as follows:—

"*(a)* not being an *authorized* trustee, *advertises* or represents himself to be *such;* or"

**49.** This clause is to repeal the provision of the Act that the same is to be administered by the Minister of Justice.

The section to be repealed at present reads as follows:—

"**202.** This Act shall be administered by the Minister of Justice."

Third Session, Seventeenth Parliament, 22 George V, 1932

THE HOUSE OF COMMONS OF CANADA.

# BILL 42.

An Act to amend the Criminal Code (Trustees defined. Disposition of fines).

First reading, April 7, 1932.

THE MINISTER OF JUSTICE.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
44546 1932

3rd Session, 17th Parliament, 22 Geo. V, 1932

THE HOUSE OF COMMONS OF CANADA.

# BILL 42.

An Act to amend the Criminal Code (Trustees defined. Disposition of fines).

R.S., c. 36.

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

**1.** Paragraph forty-two of section two of the *Criminal Code*, chapter thirty-six of the Revised Statutes of Canada, 1927, is repealed and the following is substituted therefor:—

"Trustee" defined.

"(42) 'trustee' means a trustee on some express trust created by some deed, will or instrument in writing, or by parole, or by any Act, or otherwise, and includes the heir or personal representative of any such trustee, and every other person upon or to whom the duty of such trust has devolved or come, whether by appointment of a court or otherwise, and also an executor or administrator, and an official manager, assignee, liquidator or other like officer acting under any Act relating to joint stock companies, bankruptcy or insolvency, and any person who is, by the law of the province of Quebec, an *administrateur* or *fidéicommissaire;* and 'trust' includes whatever is by that law an *administration* or *fidéicommis;*"

Payment of fines in Ontario to municipalities.

**2.** Subsection one of section one thousand and thirty-six of the said Act is amended by striking out the proviso at the end thereof.

## Explanatory Notes.

**1.** The only change made in the paragraph to be repealed and re-enacted is the insertion of the underlined words in the text of the Bill.

The existing paragraph reads as follows:—

"(42) 'trustee' means a trustee on some express trust created by some deed, will or instrument in writing, or by parole, or otherwise, and includes the heir or personal representative of any such trustee, and every other person upon or to whom the duty of such trust has devolved or come, whether by appointment of a court or otherwise, and also an executor or administrator, and an official manager, assignee, liquidator or other like officer acting under any Act relating to joint stock companies, bankruptcy or insolvency, and any person who is, by the law of the Province of Quebec, an *administrateur* or *fidéicommissaire;* and 'trust' includes whatever is by that law an *administration* or *fidéicommis.*"

Paragraph one of section two of the *Criminal Code* defines "any Act" as follows:—

"(1) 'any Act,' or 'any other Act,' includes any Act passed or to be passed by the Parliament of Canada, or any Act passed by the legislature of the late province of Canada, or passed or to be passed by the legislature of any province of Canada, or passed by the legislature of any province now a part of Canada before it was included therein;"

**2.** Section one thousand and thirty-six provides that fines, penalties and forfeitures, with certain exceptions, are to be paid over to the treasurer of the province in which they are imposed or recovered. The proviso at the end of the subsection enacts that certain fines in Ontario are to be paid to the municipalities.

This proviso, to be repealed, reads as follows:—

"Provided, however, that with respect to the province of Ontario the fines, penalties and forfeitures and proceeds of estreated recognizances first mentioned in this section shall be paid over to the municipal or local authority where the municipal or local authority wholly or in part bears the expense of administering the law under which the same was imposed or recovered."

Third Session, Seventeenth Parliament, 22 George V, 1932

THE HOUSE OF COMMONS OF CANADA

# BILL 43.

An Act for granting to His Majesty certain sums of money for the public service of the financial year ending the 31st March, 1933.

**AS PASSED BY THE HOUSE OF COMMONS, 7th APRIL, 1932.**

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
44551 1932

3rd Session, 17th Parliament, 22 Geo. V, 1932

THE HOUSE OF COMMONS OF CANADA.

# BILL 43.

An Act for granting to His Majesty certain sums of money for the public service of the financial year ending the 31st March, 1933.

MOST GRACIOUS SOVEREIGN,

Preamble.

WHEREAS it appears by messages from His Excellency the Right Honourable the Earl of Bessborough, etc., etc., Governor General of Canada, and the estimates accompanying the said messages that the sums hereinafter mentioned are required to defray certain expenses of the public service of Canada, not otherwise provided for, for the financial year ending the thirty-first day of March, one thousand nine hundred and thirty-three, and for other purposes connected with the public service: May it therefore please Your Majesty, that it may be enacted and be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, that:—

Short title.

**1.** This Act may be cited as *The Appropriation Act, No. 2, 1932.*

$33,108,718.84 granted for 1932-33.

**2.** From and out of the Consolidated Revenue Fund there may be paid and applied a sum not exceeding in the whole thirty-three million, one hundred and eight thousand, seven hundred and eighteen dollars and eighty-four cents towards defraying the several charges and expenses of the public service, from the first day of April, one thousand nine hundred and thirty-two, to the thirty-first day of March, one thousand nine hundred and thirty-three, not otherwise provided for, and being one-sixth of the amount of each of the several items to be voted, set forth in the Estimates for the fiscal year ending the thirty-first day of March, one thousand nine hundred and thirty-three, as laid before the House of Commons at the present session of Parliament.

Additional interim vote of $2,236,407.85 granted for 1932-33 on certain items.

**3.** From and out of the Consolidated Revenue Fund there may be paid and applied, in addition to the amount granted therefor in the preceding section, a sum not exceeding in the whole two million, two hundred and thirty-six thousand, four hundred and seven dollars and eighty-five cents towards defraying the several charges and expenses of the public service, from the first day of April, one thousand nine hundred and thirty-two, to the thirty-first day of March, one thousand nine hundred and thirty-three, not otherwise provided for, and being one-fourth of the amount of each of the several items to be voted set forth in the Schedule to this Act.

Account to be rendered in detail.

**4.** A detailed account of the sums expended under the authority of this Act shall be laid before the House of Commons of Canada during the first fifteen days of the then next session of Parliament.

# SCHEDULE

Based on the Main Estimates, 1953-54. The amount hereby granted is $2,259,607.86, being one-fourth of the amount of each item in the said Estimates as contained in this Schedule.

Sums granted to His Majesty by this Act for the financial year ending 31st March, 1954, and the purposes for which they are granted.

| No. of Vote | Service | Amount | Total |
|---|---|---|---|
| | | $ cts. | $ cts. |
| | **BILL 44.** | | |
| | **LEGISLATION** | | |
| | **Senate** | | |
| 39 | Salaries and contingent expenses | 101,262 40 | |
| | **House of Commons** | | |
| | | 718,624 60 | |
| | | 181,400 00 | |
| 40 | | 62,805 00 | |
| | | 12,300 00 | |
| | | 178,100 00 | |
| | **AGRICULTURE** | | |
| 46 | | 1,427,000 00 | |
| | **MINES AND GEOLOGICAL SURVEY** | | |
| | | 141,200 00 | |
| | | 62,000 00 | |
| 186 | | | |
| | | 12,500 00 | |
| | | 2,020 00 | |
| | | 1,000 00 | |
| | **PENSIONS AND NATIONAL HEALTH** | | |
| 207 | | 1,200,000 00 | |
| 208 | | 1,050,000 00 | |
| 210 | | 1,250,000 00 | |
| 211 | | 600,000 00 | |
| | **TRADE AND COMMERCE** | | |
| 204 | | 652,700 00 | |
| | Total | | 4,564,891 40 |

QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, CANADA
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

# SCHEDULE

Based on the Main Estimates, 1932-33. The amount hereby granted is $2,236,407.85, being one-fourth of the amount of each item in the said Estimates as contained in this Schedule.

SUMS granted to His Majesty by this Act for the financial year ending 31st March, 1933, and the purposes for which they are granted.

| No. of Vote | Service | Amount | Total |
|---|---|---|---|
| | | $ cts. | $ cts. |
| | LEGISLATION | | |
| | SENATE | | |
| 35 | Salaries and contingent expenses | 161,939 40 | |
| | HOUSE OF COMMONS | | |
| 36 | Salaries | 218,034 00 | |
| | Expenses of committees, clerical assistance, etc | 103,468 00 | |
| | Contingencies | 43,695 00 | |
| | Publishing debates | 53,200 00 | |
| | Estimates of the Sergeant-at-Arms | 179,100 00 | |
| | AGRICULTURE | | |
| 45 | Experimental Farms | 1,492,000 00 | |
| | MINES AND GEOLOGICAL SURVEY | | |
| | *Geological Survey* | | |
| 186 | For explorations, surveys and investigations, wages of explorers, topographers and others | 142,500 00 | |
| | For publication of English and French editions of reports, maps, illustrations, etc | 42,000 00 | |
| | For maintenance of Offices and Museum, expenses of special exhibitions pertaining to natural resources, purchase of instruments, chemicals, books of reference, miscellaneous assistance and contingencies | 42,500 00 | |
| | For Museum equipment | 8,000 00 | |
| | For purchase of specimens | 1,000 00 | |
| | PENSIONS AND NATIONAL HEALTH | | |
| 207 | Care of patients and medical examination respecting pension | 2,200,000 00 | |
| 209 | Compensation (Pay and Allowances) | 1,950,000 00 | |
| 210 | Unemployment relief | 1,250,000 00 | |
| 211 | Operating expenses and working capital | 400,000 00 | |
| | TRADE AND COMMERCE | | |
| 286 | Commercial Intelligence Service, including miscellaneous expenditure in connection with Canada's Trade | 658,195 00 | |
| | Total | | 8,945,631 40 |

Third Session, Seventeenth Parliament, 22 George V, 1932

THE HOUSE OF COMMONS OF CANADA.

# BILL 44.

An Act to amend the Railway Act.

First reading, April 12, 1932.

Mr. REID.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
45028 1932

3rd Session, 17th Parliament, 22 Geo. V, 1932

THE HOUSE OF COMMONS OF CANADA.

# BILL 44.

An Act to amend the Railway Act.

R.S., c. 170.

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

**1.** Section three hundred and twenty of the *Railway Act*, chapter one hundred and seventy of the Revised Statutes of Canada, 1927, is repealed, and the following is substituted therefor:—

Scope of functions of Board.

"**320.** (1) In deciding whether a lower toll, or difference in treatment, does or does not amount to an undue preference or an unjust discrimination, the Board may consider whether such lower toll, or difference in treatment, is necessary for the purpose of securing in the national interest, both producing and consuming, the traffic in respect of which it is made, and whether such object can be obtained without unduly reducing the higher tolls.

Rate structure for trade development.

"(2) The Board may consider the question of what should be reasonable compensation under the circumstances, and may establish a rate structure in the interests of trade development and public policy, though such experimental rates may not at the time or of themselves give reasonable compensation to the railway companies."

Rates on grain and flour moving west.

**2.** Subsection five of section three hundred and twenty-five of the said Act is amended by striking out the proviso thereto and substituting the following therefor:—

"Provided that, notwithstanding anything in this subsection contained, rates on grain and flour shall, on and from the twenty-seventh day of June, one thousand nine hundred and twenty-five, be governed by the provisions of the agreement made pursuant to chapter five

## Explanatory Notes.

**1.** Section 320, to be repealed and re-enacted, at present reads as follows:—

"**320.** In deciding whether a lower toll, or difference in treatment, does or does not amount to an undue preference or an unjust discrimination, the Board may consider whether such lower toll, or difference in treatment, is necessary for the purpose of securing, *in the interests of the public*, the traffic in respect of which it is made, and whether such object cannot be attained without unduly reducing the higher tolls."

The underlined words in the text of the Bill show the proposed changes and additions.

**2.** Subsection 5 of section 325, to be amended, reads as follows:—

"**5.** Notwithstanding the provisions of section three of this Act the powers given to the Board under this Act to fix, determine and enforce just and reasonable rates, and to change and alter rates as changing conditions or cost of transportation may from time to time require, shall not be limited or in any manner affected by the provisions of any Act of the Parliament of Canada, or by any agreement made or entered into pursuant thereto, whether general in application or special and relating only to any specific railway or railways, and the Board shall not excuse any charge of unjust discrimination, whether practised against shippers, consignees, or localities, or of undue or unreasonable preference, on the ground that such discrimination or preference is justified or required by any agreement made or entered into by the company: Provided that, notwithstanding anything in this subsection contained, rates on grain and flour shall, on and from the twenty-seventh day of June, one thousand nine hundred and twenty-five, be governed by the provisions of the agreement made pursuant to chapter five of the Statutes of Canada, 1897, but such rates shall apply to all such traffic moving from all points on all lines of railway west of Fort William to Fort William or Port Arthur over all lines now or hereafter constructed by any company subject to the jurisdiction of Parliament."

The amendment is to be made by the insertion in the proviso of the underlined words in the text of the Bill.

of the Statutes of Canada, 1897, but such rates shall apply to all such traffic moving from all points on all lines of railway west of Fort William to Fort William or Port Arthur, and to all such traffic moving westwardly from Fort William, and from all points on all lines of railway west of Fort William, to Vancouver, British Columbia and to ports on the Pacific Coast, over all lines now or hereafter constructed by any company subject to the jurisdiction of Parliament."

Third Session, Seventeenth Parliament, 22 George V, 1932

THE HOUSE OF COMMONS OF CANADA.

# BILL 45.

An Act respecting the Export of Gold.

First reading, April 15, 1932.

The MINISTER OF FINANCE.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
45273 1932

3rd Session, 17th Parliament, 22 Geo. V, 1932

THE HOUSE OF COMMONS OF CANADA.

# BILL 45.

An Act respecting the Export of Gold.

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Short title.

**1.** This Act may be cited as *The Gold Export Act.*

The export of gold may be prohibited by the Governor in Council.

**2.** The Governor in Council may prohibit, from time to time and for any period or periods, the export of gold, whether in the form of coin or bullion, from the Dominion of Canada, except in such cases as may be deemed desirable by the Minister of Finance and under licences to be issued by him: Provided that no such licence shall be issued to other than a Canadian chartered bank.

Proviso.

Regulations.

**3.** (1) The Governor in Council may make such regulations as he deems necessary or expedient to ensure the carrying out of the provisions and the intent of this Act, and to define from time to time as occasion may require what shall be deemed to be included within the expression "bullion" for the purposes of this Act.

Regulations to be published.

(2) Every regulation made by the Governor in Council in virtue of this Act shall have force and effect only after it has been published in the *Canada Gazette.*

Penalty.

**4.** Whenever a regulation made under the provisions of section three of this Act is in force any person who, without a licence issued by or on behalf of the Minister of Finance, as aforesaid, exports or attempts to export, carries or or attempts to carry out of Canada any gold, whether in the form of coin or bullion, shall be liable upon summary conviction to a penalty not exceeding one thousand dollars or to imprisonment for a term not exceeding two years, or to both fine and imprisonment.

Third Session, Seventeenth Parliament, 22 George V, 1932

THE HOUSE OF COMMONS OF CANADA.

# BILL 46.

An Act to incorporate Lake of the Woods International Bridge Company.

First reading, April 19, 1932.

(PRIVATE BILL.)

Mr. HEENAN.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
45447 1932

3rd Session, 17th Parliament, 22 Geo. V, 1932

THE HOUSE OF COMMONS OF CANADA

# BILL 46.

An Act to incorporate Lake of the Woods International Bridge Company

Preamble.

WHEREAS a petition has been presented praying that the persons hereinafter named may be constituted a corporation for the purpose of constructing, maintaining and operating a bridge with the necessary approaches from a point in the township of Atwood in the district of Rainy River and province of Ontario at or near the town of Rainy River in the said district, over the Rainy River to a point at or near the village of Beaudette in the State of Minnesota, one of the United States of America, for vehicular and pedestrian purposes, and to do all such other things as are incidental or conducive to the attainment of these objects, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Incorporation.

**1.** Arthur Cyril Boyce, Osmond Francis Howe, Frederick James Hanna, Francis Hugh Keefer, barristers-at-law, and Randall Todd, accountant, of the city of Ottawa, in the province of Ontario, together with such persons as become shareholders in the Company, are hereby incorporated under the name of "Lake of the Woods International Bridge Company," hereinafter called "the Company".

Declaratory.

**2.** The works and undertakings of the Company are declared to be for the general advantage of Canada.

Provisional directors.

**3.** Arthur Cyril Boyce, Osmond Francis Howe, Frederick James Hanna, Francis Hugh Keefer and Randall Todd named in section one of this Act, are constituted provisional directors of the Company.

Capital stock.

**4.** (1) The capital stock of the Company shall be two hundred and fifty thousand dollars.

Preference stock.

(2) The Company, if previously authorized by a resolution passed by the ordinary shareholders at any annual meeting or at any special general meeting duly called for that purpose, at which meeting shareholders representing at least three-fourths in value of the subscribed ordinary stock of the Company are present or represented by proxy, may issue any portion of its capital stock as preference stock, and preference stock so issued shall have such preference and priority as respects dividends or otherwise, over ordinary stock as is declared by such resolution. Holders of such preference stock shall be deemed to be shareholders within the meaning of this Act and of the *Railway Act*, and shall, in all respects other than the preference and priority provided by this section, possess the rights and be subject to the liabilities of such shareholders.

R.S., c. 170.

Head office.

**5.** The head office of the Company shall be at the town of Rainy River in the province of Ontario and any general meeting of the shreholders may be held elsewhere than the head office of the Company.

Annual meeting.

**6.** The annual meeting of the shareholders shall be held the second Monday in May of each year.

Directors.

**7.** The number of directors shall be not less than five nor more than fifteen, one or more of whom may be paid directors.

Power to construct bridge across Rainy River.

**8.** The Company may construct, maintain and operate a bridge across the Rainy River for the passage of pedestrians, vehicles, carriages of every description other than railway or electric cars, and for any other like purpose, with all necessary approaches from a point in the township of Atwood in the district of Rainy River and province of Ontario, at or near the town of Rainy River in said district, over the Rainy River to a point at or near the village of Beaudette in the State of Minnesota, one of the United States of America, so as not to interfere with navigation, and may purchase, acquire and hold such real estate, including lands for sidings and other equipment required for the convenient working of traffic to, from and over the said bridge as the Company thinks necessary for any of the said purposes; but the Company shall not commence the actual construction of the said bridge, nor exercise any of the powers hereunder, until an Act of Congress of the United States, or other competent authority in the United States of America has been passed authorizing or approving such bridging of the said river, but the Company may, in the meantime, acquire the lands, submit their plans to the Governor in Council, and do all other things authorized by this Act.

Approva of plans by U.S.

Interim exercise of powers in Canada.

**9.** The Company may:

Expropriation.

*(a)* Expropriate and take any lands actually required for the construction, maintenance and operation of the bridge, or may expropriate and take an easement in, over, under or through such lands without the necessity of acquiring a title in fee simple thereto, after the plan of such lands has been approved by the Governor in Council; and all provisions of the *Railway Act*, applicable to such taking and acquisition shall apply as if they were included in this Act; and all the provisions of the *Railway Act*, which are applicable shall in like manner apply to the ascertainment and the payment of the compensation for or damages to land arising out of such taking and acquisition, or the construction or maintenance of the works of the Company;

R.S., c. 170.

Abandonment of land to reduce damage, and assessment and award of damages.

*(b)* In reduction of the damage or injury to any lands taken or affected by such authorized works, abandon or grant to the owner or party interested therein, any portion of such lands, or any easement or interest therein, or make any structures, works or alterations in or upon its works for such purposes. And if the Company by its notice of expropriation or some subsequent notice, prior to the first meeting of the arbitrators, specify its decision to take only such easement or interest in lands, or to make such structures or works or alterations, the damages (including damages, if any, resulting from the change in the notice of expropriation) shall be assessed by the arbitrators appointed pursuant to the provisions of the *Railway Act*, in view of such specified decisions or undertaking, and the arbitrator o arbitrators shall declare the basis of their award accordingly, and such award, as well as such specified decision or undertaking of the Company may be enforced by the Board of Railway Commissioners for Canada;

Right of entry and compensation for damages.

*(c)* Enter into and upon any lands, buildings or structures proximate to the said bridge for the purpose of ascertaining the sate of repair thereof, and for devising the best means of avoiding any possible damage which the execution of the authorized works might occasion thereto, and make upon or in connection therewith any works, repairs or renewals, for the purpose of preventing or mitigating any such damage, and the Company, shall make compensation in the manner specified in the *Railway Act*, to all persons interested for the damage sustained by them (if any) by reason of the exercise of the powers in this clause contained; and section two hundred and thirty-nine of the *Railway Act* shall apply to the exercise of the powers in this clause granted so far as is necessary to enable the Company to carry them into effect.

Location of bridge.

Approval of plans Governor in Council.

**10.** The said bridge shall be constructed and located under and be subject to, such regulations for the security of navigation of the said river, as the Governor in Council prescribes and to such end the Company shall submit to the Governor in Council for examination and approval, a design and drawing of the bridge and a map of the location, giving the soundings accurately, showing the bed of the stream and the location of other bridges, and shall furnish such other information as is required for a full and satisfactory understanding of the subject, and until the said plans and location are approved by the Governor in Council the bridge shall not be built or commenced; and if any change is made in the plans of the said bridge during its construction, such change shall be subject to the approval of the Governor in Council and shall not be made or commenced until it is so approved.

Bonding powers.

Mortgages.

**11.** (1) The Company may issue bonds, debentures or other securities in aid of the construction herein mentioned to an amount not exceeding two hundred thousand dollars.

(2) For the purpose of securing the issue of such bonds the Company may execute a mortgage or mortgages, not inconsistent with law or with the provisions of this Act, in such form and containing such provisions as are approved by a resolution passed at a special meeting of the shreholders called for the purpose.

Tolls and revenues.

(3) The Company may charge and bind the tolls and revenues of the property to which any such mortgage relates in the manner and to the extent therein specified.

Interest on bonds, etc.

(4) The bonds, debentures and other securities of the Company, or any of the companies referred to in sections fifteen and sixteen may, pursuant to any arrangement in that behalf, be made payable at such times and in such manner and at such place or places in Canada, or elsewhere, and may bear such rate of interest not exceeding seven per cent per annum as the directors think proper.

Power to issue shares as paid-up stock in payment of acquired properties.

**12.** The directors may issue as paid-up stock shares of the capital stock of the Company in payment of any business, franchises, undertakings, rights, powers, privileges letters patent, inventions, real estate, stocks, assets and other properties which the Company may lawfully acquire, and may, for such considerations allot and hand over such shares to any person or corporation or its shareholders or directors; and any such issue or allotment of stock shall be binding upon the Company and such stock shall be not assessable for calls; nor shall the holder thereof be liable in any way thereon; or the Company may pay therefor wholly or partly in paid-up shares or wholly or partly in bonds and debentures or as may be agreed upon.

May accept grants.

**13.** The Company may receive by grant from any government, municipality or persons, as aid in the construction, equipment and maintenance of the said bridge and works connected therewith, any real or personal estate or property, or any sums of money, debentures or subsidies, either as gifts by way of bonus or guarantee, or in payment or as subventions for services and may dispose thereof, and may alienate such of the said property as is not required for the purposes of the Company in carrying out the provisions of this Act.

Tolls chargeable.

Approval by Governor in Council.

**14.** The Company may charge tolls for the use of the said bridge, approaches and facilities, and may regulate the tolls to be charged: Provided that such tolls shall have been previously approved by the Governor in Council, who may revise the same from time to time and such tolls shall be equal to all persons using the said bridge, approaches and facilities.

Amalgamation with other companies.

**15.** The Company may unite with any company or companies incorporated under the laws of Canada or of the State of Minnesota or of the United States, or any State thereof, in financing, controlling, building, working, managing, maintaining and using the said bridge, terminals and approaches, and may make agreements with any such company or companies respecting the financing, control, construction, maintenance, management and use of the said bridge and its appurtenances, and acquiring the approaches and lands therefor in the State of Minnesota as well as in Canada, and may, subject to the provisions of sections one hundred and fifty-one, one hundred and fifty-two and one hundred and fifty-three of the *Railway Act*, make arrangements with any such company or companies for conveying or leasing the said bridge to such company or companies in whole or in part, or any rights or powers acquired by it, as also the franchise, surveys, plans, works plant, machinery and other property to it belonging or for an amalgamation with any such company on such terms and conditions as are agreed upon and subject to such restrictions as the directors deem fit.

Amalgamated company may borrow money.

**16.** The said new or amalgamated company may from time to time borrow such sums of money, not exceeding two hundred thousand dollars, as may be necessary for constructing and completing the said bridge, and for the acquiring of the necessary lands therefor, and may mortgage its property, assets, rents and revenues, present and future, or such portion thereof as may be described in the mortgage deed, to secure the payment thereof under the provisions of the *Railway Act*, and for greater certainty it is declared that the Company, in lieu of

Securing payment of bonds.

issuing its own bonds or other securities, has power to mortgage, pledge or hypothecate all its assets and undertakings, rights, franchises and privileges, both present and future, jointly and in conjunction with any of the companies referred to in this or the preceding section, to secure payment of any bonds or other securities issued by such other company for the joint purposes of the Company and such other company in connection with the construction of the said bridge under any arrangement which may be entered into between the Company and such other company in respect thereof, and to execute and deliver mortgages or deeds of trust by way of mortgage to secure such payment; provided always that the Company shall not mortgage, pledge or hypothecate its assets, undertakings, rights, franchises and privileges or secure payment of any bonds or other securities to a greater amount than two hundred thousand dollars.

Time for commencement and completion of bridge.

**17.** The bridge shall be commenced within two years after the Governor in Council and the Executive of the United Sates or other competent authority therein, have approved of such bridging, and shall be completed within three years after such commencement, otherwise the powers granted by this Act shall cease and be null and void as respects so much of the undertaking as then remains uncompleted: Provided, however, that if such approval is not obtained within two years after the passing of this Act, the powers granted for the construction of the said bridge shall cease and be null and void.

Rights of municipalities saved.

**18.** Notwithstanding anything in this Act the Company shall not locate, construct or operate any of the works mentioned in this Act upon or connect the same with any highway, street or other public place, without first obtaining the consent expressed by by-law, of the municipality having jurisdiction over such highway, street or other public place, and upon terms to be agreed with such municipality, and failing such consent, within sixty days from the date of the request made in writing by the Company for such consent to the said municipality, then upon such terms as are fixed by the Board of Railway Commissioners for Canada.

Labour and materials.

1930, c. 20.

**19.** The employment of labour in the construction, maintenance and supervision of the said bridge shall be subject to the terms and conditions of *The Fair Wages and Eight Hour Day Act, 1930.*

Canadian materials and labour must be used in the construction of the said bridge so far as it may be practical.

"Bridge" defined.

**20.** Whenever in this Act the expression "the said bridge" occurs, it means the bridge, approaches, lands, works and facilities hereby authorized.

Management of company.

**21.** Section one hundred and fifty-seven of Part II of the *Companies Act* shall not apply to the Company.

Third Session, Seventeenth Parliament, 22 George V, 1932

THE HOUSE OF COMMONS OF CANADA.

# BILL 53.

An Act to amend the Act of Incorporation of The Frontier College.

First reading, April 21, 1932.

The SECRETARY OF STATE.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
45840 1932

3rd Session, 17th Parliament, 22 Geo. V, 1932

THE HOUSE OF COMMONS OF CANADA.

# BILL 53.

An Act to amend the Act of Incorporation of The Frontier College.

1922, c. 77.

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Power to confer degrees.

**1.** Section ten of the *Act to incorporate The Frontier College*, chapter seventy-seven of the Statutes of 1922, is hereby repealed.

## Explanatory Notes.

**1.** Section 10 of the Act to incorporate The Frontier College reads as follows:—

"**10.** The College shall have power to confer degrees in arts and in such form and upon such conditions as may be, from time to time, provided by by-law or regulation of the College. Provided, however, that it shall not be lawful for the College to require from or impose upon any person or student any compulsory religious qualifications, examinations or tests of a denominational character; and provided also that the College shall not have the power to grant any degree except after the completion of a course of study equivalent to that prescribed by recognized universities, and upon examination duly held under and in accordance with the by-laws and regulations respecting such degree."

It is provided by an agreement between The Frontier College of the first part, and His Majesty, the King, in the right of the Province of Ontario represented by the Honourable the Minister of Education for Ontario, of the second part, dated the 18th December, 1931,

"That forthwith the College will make application to the Parliament of Canada for an Act to be passed to repeal section 10 of its said recited Act of incorporation, and will by every means in its power prosecute such application to a successful conclusion not later than the year 1932.

"That until the said repeal is obtained, the College hereby abandons and will not exercise in Ontario any of the powers or rights conferred upon it by section 10 of its said recited Act of incorporation."

Third Session, Seventeenth Parliament, 22 George V, 1932

THE HOUSE OF COMMONS OF CANADA.

# BILL 61.

An Act to amend the Companies Act.

First reading, April 25, 1932.

THE SECRETARY OF STATE

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
46057 1932

3rd Session, 17th Parliament, 22 Geo. V, 1932

THE HOUSE OF COMMONS OF CANADA

# BILL 61.

An Act to amend the Companies Act.

R.S., c. 27; 1930, c. 9; 1931, c. 26.

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Short title.

**1.** This Act may be cited as *The Companies Act Amendment Act, 1932.*

Definition.

**2.** In this Act the expression "the principal Act" means the *Companies Act*, chapter twenty-seven of the Revised Statutes of Canada, 1927, as amended by chapter nine of the Statutes of 1930, and by chapter twenty-six of the statutes of 1931.

**3.** Subsection one of section eighty-five of the principal Act, as enacted by section twenty-five of chapter nine of the Statutes of 1930, is repealed and the following is substituted therefor:—

Registration of mortgages and charges.

"**85.** (1) Every mortgage or charge created after the first day of January, one thousand nine hundred and eighteen, by a company, and being either

*(a)* a mortgage or charge for the purpose of securing any issue of debentures;

*(b)* a mortgage or charge on uncalled share capital of the company;

*(c)* a floating charge on the undertaking or property of the company save as hereinafter provided in this subsection;

*(d)* a mortgage or charge on calls made but not paid;

*(e)* a mortgage or charge on goodwill, on any patent or licence under a patent, on any trade-mark or on any copyright or licence under a copyright;

shall, so far as any security on the company's property or undertaking is thereby conferred, be void against the liquidator and any creditor of the company, unless the prescribed particulars of the mortgage or charge, together with an original of the instrument, if any, by which the mortage or charge is created or evidenced, are delivered to

## Explanatory Notes

It has been deemed desirable to require registration in the office of the Secretary of State of mortgages or charges created by Dominion companies to secure issues of debentures, mortages and charges, but it does not serve any useful purpose to require double registration of assignments of book debts in the office of the Secretary of State, inasmuch as provincial laws require that such assignments be registered locally. It is therefore, deemed advisable that section 85 of the Dominion *Companies Act*, R.S.C. 1927, chapter 27, as amended by chapter 9 of the Statutes of 1930, should be amended in the manner indicated in this bill. The proposed amendments are underlined.

This will have the effect of bringing the *Companies Act*, Canada, more closely into harmony with existing provincial legislation requiring registration of assignments of book debts, without involving double registration, and it will also make the Dominion legislation consistent with the *Bankruptcy Act*, section 63, chapter 11, R.S.C. 1927, which avoids assignments of book debts, but provides that this section shall not apply in any Province in which there is a statute providing for the registration of such an assignment if the assignment in question is registered in compliance therewith.

It is also to be noted that the principle of local registration has been adopted in the *Bank Act*, chapter 12, R.S.C. 1927, by which it is provided that notice of intention to give security under section 88, subsection 17, must be registered in the office of the Assistant Receiver General in the Province in which the principal place of business of the person giving such security is situated.

Provincial Legislatures have recently enacted legislation with regard to registration of assignments of book debts, as follows:—

*(a)* Province of Ontario, 1931, chapter 35; 1932, chapters 50 and 48.

These Acts come into force on proclamation and the proclamation has not yet been issued, so that the Assignment of Book Debts Act, Revised Statutes of Ontario, 1927, chapter 166, which requires local registration of assignments of book debts, is still in force.

*(b)* Province of Alberta, Assignment of Book Debts Act, Statutes of 1929, chapter 8.

*(c)* Province of British Columbia, Assignment of Book Accounts Act, Revised Statutes of British Columbia, 1924, chapter 16; amended 1926/1927, chapter 5; amended 1930, chapter 4; amended 1931, chapter 3.

or received by the Secretary of State, for registration in manner required by this Act, within thirty days after the date of its creation, but without prejudice to any contract or obligation for repayment of the money thereby secured:

Exception.

Provided that this subsection shall not apply to a floating charge created by a company on its accounts receivable or any of them after the date hereinbefore in this subsection mentioned. In this subsection the words "accounts receivable" shall extend to and include existing or future book debts, accounts, claims, moneys and choses in action or any class or part thereof and all contracts, securities, bills, notes, books, instruments and other documents securing, evidencing or in any way relating to the same or any of them, but shall not include uncalled share capital of the company or calls made but not paid."

*(d)* Province of Manitoba, Assignment of Book Debts Act, 1929, chapter 1.

*(e)* Province of New Brunswick, 1931, chapter 48.

*(f)* Province of Nova Scotia, 1931, chapter 5.
This Act has not yet been proclaimed and the Assignments of Book Debts Act, 1927, chapter 7, remains in force.

*(g)* Province of Prince Edward Island, 1931, chapter 17.

*(h)* Province of Saskatchewan, Revised Statutes of Saskatchewan, 1930, chapter 241, Assignment of Book Debts Act, chapter 242, Corporation Securities Registration Act.

*(i)* Province of Quebec.
The civil laws of the Province of Quebec differ from the laws of other Provinces, and there is no legislation in this Province requiring registration of bills of sale, chattel mortgages or assignment of book debts.

Third Session, Seventeenth Parliament, 22 George V, 1932

THE HOUSE OF COMMONS OF CANADA.

# BILL 62.

An Act respecting a certain Trade Agreement between Canada and New Zealand.

First reading, April 27, 1932.

The MINISTER OF TRADE AND COMMERCE.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
15962 1932

3rd Session, 17th Parliament, 22 Geo. V, 1932

THE HOUSE OF COMMONS OF CANADA.

# BILL 62.

An Act respecting a certain Trade Agreement between Canada and New Zealand.

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Short title.

**1.** This Act may be cited as *The New Zealand Trade Agreement Act, 1932.*

Trade Agreement approved.

**2.** The Trade Agreement between Canada and New Zealand, copy of which is set forth in the Schedule to this Act, is hereby approved and declared to have the force of law in Canada.

Orders in Council authorized.

**3.** The Governor in Council may make such orders and regulations as are deemed necessary to carry out the provisions and intent of this Act and of the said Agreement.

Suspension of inconsistent laws.

**4.** In the event of any inconsistency between the provisions of this Act and of the said Agreement, and the operation of any other law, the provisions of this Act and of the said Agreement shall prevail.

Coming into force.

**5.** This Act shall come into force on a day to be fixed by proclamation of the Governor in Council published in the *Canada Gazette.*

## SCHEDULE.

## TRADE AGREEMENT BETWEEN CANADA AND NEW ZEALAND.

His Majesty's Government in the Dominion of Canada and His Majesty's Government in the Dominion of New Zealand, being desirous of improving and extending the commercial relations existing between Canada and New Zealand, and affirming the principle of granting tariff preferences the one to the other on goods of their produce or manufacture, for their mutual advantage, have agreed upon the following Articles:—

### ARTICLE I

1. Subject to the provisions of the Customs Tariff of Canada, except as hereinafter provided, Canada grants:—

*(a)* To the goods enumerated in Schedule A hereto, being the produce or manufacture of New Zealand, when imported into Canada, the tariff rates indicated in the said Schedule A; provided that such rates shall in no case be higher than the rates chargeable on similar goods under the British Preferential Tariff of Canada.

*(b)* To all other goods being the produce or manufacture of New Zealand, when imported into Canada, the benefits of the British Preferential Tariff.

2. The tariff advantages conceded by Section 1 of this Article shall apply only to goods imported direct into Canada, except in special cases where goods are shipped from New Zealand to Canada on a through bill of lading and the New Zealand Government certifies that direct shipment to Canada of such goods is not reasonably practicable.

3. Goods shall be deemed to be the produce or manufacture of New Zealand if they comply with the laws, regulations and conditions for the time being in force in Canada for the application of its British Preferential Tariff.

### ARTICLE II

1. Subject to the provisions of the Customs Acts of New Zealand, except as hereinafter provided, New Zealand grants:—

*(a)* To the goods enumerated in Schedule B hereto, being the produce or manufacture of Canada, when imported into New Zealand, the tariff rates indicated in the said Schedule B; provided that, except where otherwise indicated in that Schedule, such rates shall in no case be higher than

the rates chargeable on similar goods under the British Preferential Tariff of New Zealand.

*(b)* To all other goods the produce or manufacture of Canada, when imported into New Zealand, the benefits of the British Preferential Tariff.

2. The tariff advantages conceded by Section 1 of this Article shall apply only to goods which after shipment from Canada have not entered into the commerce of or been subjected to any process of manufacture in any country the produce or manufactures of which are not entitled to be entered for duty under the British Preferential Tariff.

3. Goods shall be deemed to be the produce or manufacture of Canada if they comply with the laws, regulations and conditions for the time being in force in New Zealand for the application of its British Preferential Tariff.

## Article III

1. The terms "British Preferential Tariff" and "General Tariff" as used in this Agreement and the Schedules hereto shall be deemed to mean the British Preferential Tariff and the General Tariff of Canada or of New Zealand in force on the date on which any goods are entered for home consumption in New Zealand or Canada as the case may be.

2. The items in Schedule A or Schedule B hereto shall be interpreted in the same way as they would be interpreted in the tariff from which they are taken.

## Article IV

Goods entitled to entry under Article I hereof shall not be subject to Section 6 of the Customs Tariff of Canada unless previous notice has been given by the Government of Canada to the Government of New Zealand that the importation of such goods would prejudicially or injuriously affect the producers or manufacturers of similar goods in Canada, and if, at the expiration of a period of thirty days from the date of such notice, remedial measures satisfactory to the Government of Canada are not put into effect by the Government of New Zealand, then the provisions of the said Section 6 may be applied to such goods.

At the option of the Government of Canada any importation thus complained of, other than perishable goods, may be held in bond during the said period of thirty days.

## Article V

Goods entitled to entry under Article II hereof shall not be subject to Sections 11 and 12 of the Customs Amendment Act, 1921, of New Zealand, unless previous notice has been

given by the Government of New Zealand to the Government of Canada that importation of such goods would prejudicially or injuriously affect the producers or manufacturers of similar goods in New Zealand, and if, at the expiration of a period of thirty days from the date of such notice, remedial measures satisfactory to the Government of New Zealand are not put into effect by the Government of Canada, then the provisions of the said Sections 11 and 12 or either of them may be applied to such goods.

At the option of the Government of New Zealand any importation thus complained of, other than perishable goods, may be held in bond during the said period of thirty days.

### Article VI

Subject to the provisions of Articles IV and V hereof nothing in this Agreement shall affect the right of either party to this Agreement to impose any special duty or tax on goods imported into Canada or New Zealand, provided that, except where specially arranged between the Governments of Canada and of New Zealand, such special duty or tax does not exceed that imposed on similar goods imported from Great Britain.

### Article VII

1. With respect to the goods enumerated in Schedule A hereto, the Government of Canada shall not impose any Customs duty on any such goods admissible free of duty or increase the rate of any Customs duty on any other such goods entering Canada from New Zealand, except by mutual agreement, until after three months' notice to the Government of New Zealand.

2. With respect to the goods enumerated in Schedule B hereto, the Government of New Zealand shall not impose any Customs duty on any such goods admissible free of duty or increase the rate of any Customs duty on any other such goods entering New Zealand from Canada, except by mutual agreement, until after three months' notice to the Government of Canada.

### Article VIII

The Government of Canada grants the benefits of this Agreement to goods imported into Canada and being the produce or manufacture of the Territory of Western Samoa which is subject to a mandate conferred on His Majesty by

the League of Nations, and the Government of New Zealand grants to goods imported into the said Territory of Western Samoa and being the produce or manufacture of Canada the benefits of the rates of duty for the time being applicable to goods imported from the United Kingdom.

ARTICLE IX

The Government of Canada grants the benefits of this Agreement to goods imported into Canada and being the produce or manufacture of the Cook Islands and, subject to Part XXI of the Customs Act 1913 of New Zealand, the Government of New Zealand grants to goods imported into the Cook Islands and being the produce or manufacture of Canada the benefits of the British Preferential Tariff for the time being in force in the Cook Islands.

ARTICLE X

This Agreement shall be subject to the approval of the Parliaments of Canada and of New Zealand. Upon approval being given it shall be brought into force upon a date to be agreed upon between the Governments of Canada and of New Zealand and shall remain in force for a period of one year.

Signed at Ottawa, Canada, this twenty-third day of April, one thousand nine hundred and thirty-two, on behalf of His Majesty's Government in the Dominion of Canada.

R. B. BENNETT

H. H. STEVENS

Signed at Wellington, New Zealand, this twenty-third day of April, one thousand nine hundred and thirty-two, on behalf of His Majesty's Government in the Dominion of New Zealand.

GEO. W. FORBES

WM. DOWNIE STEWART

# SCHEDULE A.

| Tariff Item | | |
|---|---|---|
| | | Tariff Items on Goods the Produce or Manufacture of New Zealand |
| 7 | Meats, fresh, &c.:— | |
| | (a.) Beef and veal | 3 cents per pound. |
| | (b.) Lamb and mutton | 2 cents per pound. |
| | (c.) Pork | 3 cents per pound. |
| 8a. | Canned meats (other than kidneys and tongues), poultry or game, extracts of meat, and fluid beef, not medicated | 15 p.c. ad valorem. |
| 8b. | Canned meats, viz.:— | |
| 8c. | Kidneys and tongues | 15 p.c., but not more than 3 cents per pound. |
| 8d. | Haddock, fresh | Free. |
| 10 | Meats, prepared or preserved, other than canned:— | |
| | (a.) Bacon, hams, shoulders and other pork | Free. |
| | (b.) Corned beef | Free. |
| 11 | Sausage casing or coating, not cleaned | Free. |
| 12 | Sausage skins or casings, cleaned | Free. |
| 13 | Lard, lard compound and similar substances, including oleomargarine and animal shortening of all kinds | Free. |
| 14 | Tallow | Free. |
| 15 | Eggs in the shell | Free. |
| 15a. | Eggs, not prepared or preserved in any way | Free during the months of December, January and February; British Preferential Tariff during the other months of the year. |
| 16 | Eggs, not prepared or preserved in any way, and not in the shell | 6 cents per pound. |
| 17 | Cheese | 4 cents per pound. |
| 18 | Butter | 6 cents per pound. |
| 19 | Flour | 6 cents per pound. |
| 20 | Cornflour, the weight of the package to be included in the weight for duty | 2½ cents per pound. |
| 20a. | Breakfast foods, the weight of the package to be included in the weight for duty | 1 cent per pound. |
| 21 | Peas, split | Free. |
| 21a. | Barley, pearl | Free. |
| 21b. | Sugar, including all sugar in process of manufacture | Free. |
| 21c. | Sugar, refined and brown, for New Zealand refineries | Free. |
| 22 | Yeast, including all yeast in process of manufacture | Free. |
| 23 | Oats, rolled, &c., when in packages weighing more than one pound each | Free. |
| 24 | Onions, in their natural state, including onions in brine, vinegar, or other liquid, and onion tops, the weight of the package to be included in the weight for duty | Free. |
| 25 | Potatoes | Free. |
| 25a. | Potatoes, in their natural state, the weight of the package to be included in the weight for duty:— | |
| | (a.) Seed | Free during the months of February, March, April and May; British Preferential Tariff during the other months of the year. |
| 25b. | Apples, fresh, in their natural state, the weight of the packages to be included in the weight for duty | Free. |
| 25c. | Pineapples, fruit (Pandanus utilis) | Free. |
| 25d. | Fruit pulp, other than pulps not specified, in syrup, sugar or other weight packages | Free. |
| 25e. | Passion fruit pulp with sugar or not | Free. |

# SCHEDULE A.

| Tariff Item | — | Tariff Rates on Goods the Produce or Manufacture of New Zealand |
|---|---|---|
| 7 | Meats, fresh, n.o.p.:— | |
| | *(a)* Beef and veal | 3 cents per pound. |
| | *(b)* Lamb and mutton | 3 cents per pound. |
| | *(c)* N.o.p. | 2 cents per pound. |
| Ex. 8 | Canned meats (other than kidneys and tongues), poultry or game; extracts of meat and fluid beef, not medicated | 15 p.c. ad valorem. |
| Ex. 8 | Canned meats, viz.:— Kidneys and tongues | 15 p.c., but not more than 3 cents per pound. |
| Ex. 9 | Rabbits, frozen | Free. |
| 10 | Meats, prepared or preserved, other than canned: | |
| | *(a)* Bacon, hams, shoulders and other pork | Free. |
| | *(b)* N.o.p. | Free. |
| 12 | Sausage skins or casings, not cleaned | Free. |
| 12a | Sausage skins or casings, cleaned | Free. |
| 13 | Lard, lard compound and similar substances; cottolene and animal stearine of all kinds, n.o.p. | Free. |
| 14 | Tallow | Free. |
| 16 | Eggs in the shell | Free during the months of December, January and February; British Preferential Tariff during the other months of the year. |
| 16a | Eggs, whole, egg yolk or egg albumen, frozen or otherwise prepared, n.o.p., whether or not sugar or other material be added | 5 cents per pound. |
| 17 | Cheese. When in packages weighing two pounds each, or less, the weight of such packages to be included in the weight for duty. | 1 cent per pound. |
| 18 | Butter | 5 cents per pound. |
| 35 | Hops | 6 cents per pound. |
| 43 | Condensed milk, the weight of the package to be included in the weight for duty | 2½ cents per pound. |
| 43a | Powdered milk, the weight of the package to be included in the weight for duty | 1 cent per pound. |
| 48 | Peas, n.o.p. | Free. |
| 71a | Timothy seed | Free. |
| 71b | Clover seed, including alfalfa seed | Free. |
| 72b | (1) Seed peas and seed beans, from New Zealand | Free. |
| 73 | Field seeds, n.o.p., when in packages weighing more than one pound each | Free. |
| 84 | Onions, in their natural state, including onions grown with tops, shallots, and onion sets, the weight of the packages to be included in the weight for duty | Free. |
| Ex. 91 | Toheroa soup | Free. |
| 92 | Fruits, fresh, in their natural state, the weight of the packages to be included in the weight for duty:— | |
| | *(e)* Pears | Free during the months of February, March, April and May; British Preferential Tariff during the other months of the year. |
| 93 | Apples, fresh, in their natural state, the weight of the packages to be included in the weight for duty | Free. |
| 95b | Passion fruit (*Passiflora edulis*) | Free. |
| 104a | Fruit pulp, other than grape pulp, not sweetened, in airtight cans or other airtight packages | Free. |
| Ex. 105 | Passion fruit pulp with sugar or not | Free. |

SCHEDULE A—Continued.

| Tariff Item | — | Tariff Rates on Goods the Produce or Manufacture of New Zealand |
|---|---|---|
| 169 | Fruits, preserved, in airtight cans or other air-tight packages, the weight of the contents to be included in the weight for duty: | |
| | (a) Apricots, peaches and pears | 1 cent per pound. |
| | (c) N.o.e. | 1 cent per pound. |
| 169 | Honey, in the comb or otherwise, and imitations thereof | 2 cents per pound. |
| Ex. 180 | Coconut, shredded and canned, unsweetened | 15 p.c. but not more than 1½ cents per pound. |
| Ex. 182 | Shellfish known as Tuberous, in sealed tin canisters, including liquid contents | Free. |
| 184 | Oysters, shelled, in bulk | 6 cents per gallon. |
| 185 | Oysters, shelled, in cans not over one pint, including the duty on the cans | 1½ cents per can. |
| 186 | Oysters, shelled, in cans over one pint and not over one quart, including the duty on the cans | 2½ cents per can. |
| 187 | Oysters, shelled, in cans exceeding one quart in capacity, including the duty on the cans: Provided that a fraction over a quart shall be computed as a quart for duty purposes under this item | 2½ cents per quart. |
| 188 | Cheese in the whole | 15 p.c. |
| 189 | Tobacco, unmanufactured, for smoke purposes under conditions of the Smoke Act | Free. |
| Ex. 189 | Leaves and stems (trash) | Free. |
| Ex. 189 | Wines of the fresh grape of all kinds, not specially provided for in this Schedule, not containing more than 26 p.c. proof spirit and less than 35 p.c. proof spirit | 35 cents per gallon. |
| Ex. 189 | Beers, viz.—Ales or stouts of Bodega, or like character of a similar character, produced or prepared in whole or in part with New Zealand hops, but not to include Lukinuss annually or publications commonly known as hymnals and text books | Free. |
| Ex. 191 | Books, printed, periodicals and pamphlets, or parts thereof, n.e.i., wholly of New Zealand origin, but not to include black account books, copy books, or books to be written or drawn upon | Free. |
| Ex. 194 | Advertising and printed matter, viz.—Advertising pamphlets, advertising show cards, illustrated advertising pictorial prize books, catalogues and price lists, advertising almanacs and calendars, patent medicine or other advertising circulars, fly sheets or pamphlets, when printed in New Zealand for the purpose of advertising New Zealand products | Free. |
| 207 | Dried albumen and dried blood | Free. |
| 208 | Animal glands, wet or dry, when imported by manufacturers of pharmaceutical and medicinal preparations for use exclusively in the manufacture of such preparations, in their own factories | Free. |
| Ex. 324 | Cheese | 15½ p.c. |
| 324a | Cheese, edible | 15½ p.c. |
| Ex. 324 | Cheese, green | Free. |
| Ex. 509 | Cheese, rough, the value of animal fat, for the manufacture of soap and oils only | Free. |
| 505–509 | Building stone, other than marble or granite | Free. |
| Ex. 516 | New Zealand lamp (kerosene) lamps | Free. |
| 526 | Timber logs or trees for harvest binders | Free. |
| Ex. 549 | Wool, not further prepared than combed | Free. |
| Ex. 549 | Wool or hair of the Angora rabbit | Free. |
| 550 | Blankets of any material, not to include rugs, steamer rugs nor sleeping rugs | 25½ p.c. |
| Ex. 556 | Rugs, travelling, of wool | 25 p.c. |
| Ex. 572 | Rugs, floor or carpet, of wool | 25 p.c. |

## SCHEDULE A—*Continued.*

| Tariff Item | — | Tariff Rates on Goods the Produce or Manufacture of New Zealand |
|---|---|---|
| 106 | Fruits, prepared, in airtight cans or other airtight containers, the weight of the containers to be included in the weight for duty: | |
| | *(a)* Apricots, peaches and pears | 1 cent per pound. |
| | *(c)* N.o.p. | 1 cent per pound. |
| 108 | Honey, in the comb or otherwise, and imitations thereof | 2 cents per pound. |
| Ex. 123 | Canned whitebait and canned crayfish | 15 p.c. but not more than 7½ cents per pound. |
| Ex. 123 | Shellfish known as Toheroas, in sealed tin containers, including liquid contents | Free. |
| 124 | Oysters, shelled, in bulk | 5 cents per gallon. |
| 125 | Oysters, shelled, in cans not over one pint, including the duty on the cans | 1½ cents per can. |
| 126 | Oysters, shelled, in cans over one pint and not over one quart, including the duty on the cans | 2½ cents per can. |
| 127 | Oysters, shelled, in cans exceeding one quart in capacity, including the duty on the cans. Provided that a fraction over a quart shall be computed as a quart for duty purposes under this item. | 2½ cents per quart. |
| 128 | Oysters in the shell | 15 p.c. |
| 142 | Tobacco, unmanufactured, for excise purposes under conditions of the Excise Act | Free. |
| Ex. 152 | Lemon and passion fruit juices | Free. |
| Ex. 163 | Wines of the fresh grape of all kinds, not sparkling, imported in barrels or in bottles, containing more than 23 p.c. proof spirit and less than 35 p.c. proof spirit | 25 cents per gallon. |
| Ex. 169 | Books, viz.:—Novels or works of fiction, or literature of a similar character, unbound or paper bound or in sheets, when of New Zealand origin, but not to include Christmas annuals, or publications commonly known as juvenile and toy books | Free. |
| Ex. 171 | Books, printed, periodicals and pamphlets, or parts thereof, n.o.p., when of New Zealand origin, not to include blank account books, copy books, or books to be written or drawn upon | Free. |
| Ex. 178 | Advertising and printed matter, viz.:—Advertising pamphlets, advertising show cards, illustrated advertising periodicals; price books, catalogues and price lists; advertising almanacs and calendars; patent medicine or other advertising circulars, fly sheets or pamphlets, when printed in New Zealand for the purpose of advertising New Zealand products | Free. |
| 207 | Blood albumen and dried blood | Free. |
| 208*i* | Animal glands, wet or dry, when imported by manufacturers of pharmaceutical and medicinal preparations for use exclusively in the manufacture of such preparations, in their own factories | Free. |
| Ex. 232 | Casein | 12½ p.c. |
| 232*c* | Gelatine, edible | 12½ p.c. |
| Ex. 254 | Kauri gum | Free. |
| Ex. 280 | Grease, rough, the refuse of animal fat, for the manufacture of soap and oils only | Free. |
| 305–306*b* | Building stone, other than marble or granite | Free. |
| Ex. 535 | New Zealand hemp (phormium tenax) | Free. |
| 538 | Binder twine or twine for harvest binders | Free. |
| Ex. 549 | Wool, not further prepared than combed | Free. |
| Ex. 549 | Wool or hair of the Angora rabbit | Free. |
| 553 | Blankets of any material, not to include automobile rugs, steamer rugs nor similar articles | 22½ p.c. |
| Ex. 555 | Rugs, travelling, of wool | 30 p.c. |
| Ex. 572 | Rugs, floor or carpet, of wool | 25 p.c. |

## SCHEDULE A—*Concluded.*

| Tariff Item | — | Tariff Rates on Goods the Produce or Manufacture of New Zealand |
|---|---|---|
| 599 | Hides and skins, raw, whether dry, salted or pickled; and raw pelts | Free. |
| 601 | Fur skins of all kinds, not dressed in any manner | Free. |
| Ex. 662 | Tankags | Free. |
| 663 | Fertilizers, compounded or manufactured, n.o.p. | Free. |

## SCHEDULE B.

| Tariff Item | — | Tariff Rates on Goods the Produce or Manufacture of Canada |
|---|---|---|
| 7 | Onions | £1 per ton. |
| 11 | Vegetables, viz.:— | |
| | (1) Preserved peas in tins or similar containers including the weight of any liquid | 20 per cent ad val. or 1½d. per lb., whichever rate returns the higher duty. |
| | The rates of Customs duty set forth in the General Tariff with respect to Tariff item numbered 11-(1) shall be deemed to be repealed and the following shall be substituted therefor, viz.:—"45 per cent ad val. or 2½d. per lb., whichever rate returns the higher duty". | |
| 35 | Fish, viz.:— | |
| | (3) Fish, potted, and preserved viz., salmon, including any liquor, oil, or sauce | 1½d. per lb. |
| | (4) Fish, potted, and preserved, n.e.i., including any liquor, oil, or sauce | 2d. per lb. |
| | (Note.—The term "fish" is used in the Tariff in its widest sense, and includes shell-fish, crustaceans, and other foods obtained from the fisheries). | |
| 37 | Fruits, fresh, viz.:— | |
| | (1) Apples and pears | 1d. per lb. |
| Ex. 105 | Calcium carbide | Free. |
| Ex. 124 | Gypsum, crude | Free. |
| Ex. 137 | Hosiery, viz.:—socks or stockings of silk or artificial silk | 32½ per cent ad val. |
| 160 | Furs and other similar skins, and articles made therefrom, viz.:— | |
| | (1) Fur skins, green or sun-dried | 5 per cent ad val. |
| | (2) Furs, and other similar skins, dressed or prepared, but not made up in any way | 25 per cent ad val. |
| 196 | Boots, shoes, clogs, pattens, slippers, shoettes, sandals, goloshes, overshoes, and other footwear, n.e.i. | 25 per cent ad val. |
| 212 | Building materials, viz.:— | |
| | (3) Plaster-pulp sheets, plaster board, and similar materials | 35 per cent ad val. |
| 228 | Plaster of Paris | Free. |
| 292 | Paper-pulp, for the manufacture of paper | Free. |
| 299 | Paper of qualities and sizes approved by the Minister, on declaration that it will be used by orchardists only in wrapping fruit | Free. |
| 300 | Paper, viz.:— | |
| | (2) N.e.i., including tin-foil paper, and gummed paper n.e.i.:—*(b)* In sheets of size not less than 20 inches by 15 inches or the equivalent | Free. |

## SCHEDULE B—*Continued.*

| Tariff Item | — | Tariff Rates on Goods the Produce or Manufacture of Canada |
|---|---|---|
| 333 | Agricultural implements and machinery, viz.:— (1) Cultivators; harrows; ploughs; drills; seed and fertilizer sowers or distributors combined or separate; lime sowers; seed or grain cleaners, and cellular seed or grain separators | 35 per cent ad val. |
| | The surtax to be levied, collected and paid under Section five of the Customs Acts Amendment Act, 1930, on the goods included in tariff item numbered 333 (1) shall be an amount equal to one-twentieth of the total duty of Customs otherwise chargeable. | |
| | (2) N.e.i., including ploughs, cultivators, and seed drills, hand-worked, combined or separate; ploughs, single-furrow mould-board, not exceeding 266 lbs. nst weight; also the following parts of ploughs or harrows, viz.:—mould board plates unbent, steel share-plates cut to pattern, skeith-plates, plough beam forgings, and discs for harrows or ploughs..... | Free. |
| 353 | (4) Electric cooking and electric heating appliances..... | 30 per cent ad val. |
| 389 | Motor-vehicles, n.e.i.:— When the expenditure in material produced in Canada and/or labour performed within Canada calculated subject to the qualifications set out in clause 6 of "The Customs (Tariff Preference and General) Regulations, 1925", in each and every article is not less than three-fourths of the factory or works cost of such article in its finished state, and if the article otherwise complies with the laws, regulations, and conditions for the time being in force in New Zealand for the application of its British Preferential Tariff. | 10 per cent ad val.; and in cases where such motor vehicles are imported having bodies suited or designed for carrying passengers, an additional duty (herein referred to as "body duty") of 11¼ per cent ad val. on any such vehicle (inclusive of the body): Provided that where the value for duty of any vehicle (inclusive of the body) exceeds £200 the body duty shall be: On £200 of such value, 11¼ per cent ad val.; on the remainder of such value, 6¼ per cent ad val. |
| | When the expenditure in material produced in Canada and/or labour performed within Canada calculated subject to the qualifications set out in clause 6 of "The Customs (Tariff Preference and General) Regulations, 1925", in each and every article is not less than one-half of the factory or works cost of such article in its finished state, and if the article otherwise complies with the laws, regulations, and conditions for the time being in force in New Zealand for the application of its British Preferential Tariff. | 20 per cent ad val.; and in cases where such motor vehicles are imported having bodies suited or designed for carrying passengers, an additional duty (herein referred to as "body duty") of 11¼ per cent ad val. on any such vehicle (inclusive of the body): Provided that where the value for duty of any vehicle (inclusive of the body) exceeds £200 the body duty shall be: On £200 of such value, 11¼ per cent ad val.; on the remainder of such value, 6¼ per cent ad val. |

## SCHEDULE B—*Concluded.*

| Tariff Item | — | Tariff Rates on Goods the Produce or Manufacture of Canada |
|---|---|---|
| | When any body of a motor-vehicle suited or designed for carrying passengers is imported by itself or otherwise than as set out above, body duty shall be payable and the Minister shall determine the amount of such body duty. The body duty so payable shall, as nearly as may be, be equal to the amount of body duty that would have been payable if such body had been imported as part of and attached to a motor-vehicle manufactured in the same country as the body.<br>Where the Minister is of the opinion that any duty is being or is likely to be evaded or avoided by the importation of any motor-vehicles without engines, tires, or other component parts which, in the ordinary course of business, are usually imported therewith, the Minister may, at his discretion, require that duty shall be paid as if such engines, tires, or other component parts had been imported with such vehicles. | |
| 403 | Laths, and shingles.....<br>The rate of customs duty set forth in the General Tariff with respect to Tariff item numbered 403 shall be deemed to be repealed and the following shall be substituted therefor:—"30 per cent ad val." | 20 per cent ad val. |
| 404 | Timber, rough sawn or rough hewn, viz.:— | |
| | (2) Other kinds, in pieces having a length of not less than 25 feet, and having a minimum cross sectional area of not less than 150 square inches.....<br>The rate of customs duty set forth in the General Tariff with respect to Tariff item numbered 404(2) shall be deemed to be repealed and the following shall be substituted therefor:—"9s. 6d. per 100 sup. ft." | 7s. 6d. per 100 sup. ft. |
| | (3) N.e.i.....<br>The rate of customs duty set forth in the General Tariff with respect to Tariff item numbered 404(3) shall be deemed to be repealed and the following shall be substituted therefor:—"11s. 6d. per 100 sup. ft." | 9s. 6d. per 100 sup. ft. |
| 405 | Timber sawn dressed.....<br>The rate of customs duty set forth in the General Tariff with respect to Tariff item numbered 405 shall be deemed to be repealed and the following shall be substituted therefor:—"£1 1s. per 100 sup. ft." | 19s. per 100 sup. ft. |

Third Session, Seventeenth Parliament, 22 George V, 1932

THE HOUSE OF COMMONS OF CANADA

# BILL 63.

An Act to amend the Royal Canadian Mounted Police Act.

First reading, April 27, 1932.

THE MINISTER OF JUSTICE.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
45763 1932

3rd Session, 17th Parliament, 22 Geo. V, 1932

THE HOUSE OF COMMONS OF CANADA

# BILL 63.

An Act to amend the Royal Canadian Mounted Police Act.

R.S., c. 160.

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

**1.** Subsection two of section six of the *Royal Canadian Mounted Police Act*, chapter one hundred and sixty of the Revised Statutes of Canada, 1927, is repealed and the following is substituted therefor:—

Appointment of deputy commissioner.

"(2) The Governor General may by commission appoint a deputy Commissioner and one or more assistant commissioners of police, and one or more staff and other superintendents, and inspectors, surgeons, assistant surgeons and veterinary surgeons of the Force, and the Governor General may in any commission issued under the authority of this subsection limit the time during which the same shall continue in force."

**2.** Section eight of the said Act is repealed and the following is substituted therefor:—

Appointment of constables, trumpeters and buglers.

"**8.** (1) The Governor in Council may from time to time authorize the Commissioner to appoint by warrant under his hand such number of constables as the Governor in Council thinks proper, and men and boys not less then fourteen years of age, as trumpeters and buglers and to appoint from among the constables non-commissioned officers of different grades.

Delegation.

(2) The Commissioner may delegate such authority to any commissioned officer of the Force.

Mounted.

(3) Such number of non-commissioned officers and constables shall be mounted as the Governor in Council directs.

Employees for emergencies.

(4) The Governor in Council may authorize the Commissioner to employ in emergencies such persons as may be necessary to perform the duties of scouts, artisans, cooks, stenographers, tailors, engineers, agents, interpreters, guides

EXPLANATORY NOTES

**1.** Section 6, subsection 2. The only change in this subsection are the the words "a Deputy Commissioner" which have been inserted to provide for the appointment of a Deputy Commissioner, on account of the increase in strength and the large extension of duties throughout Canada.

**2.** Section 8, subsection 1, reads, at present, as follows:—

"The Governor in Council may from time to time authorize the Commissioner of Police to appoint by warrant under his hand such number of constables as the Governor in Council thinks proper, and to appoint from them non-commissioned officers of different grades."

The amendment merely takes the Buglers and Constables out of subsection 4, and places them in subsection 1—a more appropriate place.

Section 8, subsection 2. This is unchanged.

Section 8, subsection 3. This is unchanged.

Section 8, subsection 4. This subsection, at present, reads as follows:—

"The Governor in Council may authorize the Commissioner to appoint special constables, agents, men and boys not less than fourteen years of age as trumpeters and buglers, at such rates of pay as are authorized by the Minister."

As stated in the remarks respecting subsection 1 above, "trumpeters and buglers" have been removed from this subsection to subsection 1, and the remainder of the subsection has been re-drafted to make it conform to current practice, and to be consistent with that set out opposite the new subsection 5 below.

or for any other purpose or for general duty for such periods as may be required and at such rates of pay as are authorized by the Minister. (New.)

May be appointed as special constables.

(5) Persons employed in accordance with the provisions of the last preceding subsection may be appointed by the Commissioner as special constables to make arrests or to assist in other police duties and for purposes of discipline or any other purpose in the public interest: Provided that such persons appointed on and after the first day of April, 1932, after qualifying in length of service, shall not be eligible for pension under the provisions of this Act, except in cases of special merit on the recommendation of the Commissioner. (New.)

Proviso.

Supernumerary special constables.

(6) The Governor in Council may authorize the Commissioner to appoint without pay special constables supernumerary to the strength of the Force for a period not exceeding twelve months at any one time for the purpose of maintaining law and order at the request of any Department of the Government or in any case in which the Commissioner considers it necessary or in the public interest: Provided that such special constables shall not be entitled to any pecuniary privilege or benefit under this Act and such appointment may be revoked by the Commissioner at any time." (New.)

Proviso.

**3.** Section eleven of the said Act is repealed and the following is substituted therefor:—

Deputy commissioner may act.

"**11.** In the absence of the Commissioner, the Deputy Commissioner or the senior assistant Commissioner at headquarters may exercise all the powers which by this or any other Act are conferred upon the Commissioner."

**4.** Subsection one of section twelve of the said Act is repealed, and the following is substituted therefor:—

Powers of officers.

"**12.** (1) The Commissioner, the Deputy Commissioner and the assistant commissioners shall, respectively, have all the powers of two justices of the peace under this or any Act in force in any province of Canada."

**5.** Subsection two of section thirteen of the said Act is repealed and the following are substituted therefor:—

Qualifications as to age.

"(2) The provision in this section as to age shall not apply to any officer appointed before the twenty-third day of July, one thousand eight hundred and ninety-four or to the Commissioner, Deputy Commissioner, assistant commissioners, or surgeons.

Exceptions as to age of new personnel.

(3) The Governor in Council may exempt from the provision of this section as to age, new personnel taken into the Force by reason of any arrangement entered into with a province under the provisions of section five hereof and

Section 8, subsection 5. This is a new subsection. In the past it has been the custom to make artisans, cooks, tailors, engineers, stenographers, etc., Special Constables, and to swear them in as such. This is not considered to be necessary except in special cases, and it is intended, in future, that the term Special Constable shall apply only to those who may be "appointed" by the Commissioner of the Force to make arrests or to assist in other police duties, or for the purposes of discipline or any other purpose in the public interest, and in cases of special merit, only, on the recommendation of the Commissioner, shall Special Constables be considered eligible for pension, after qualifying in length of service.

Section 8, subsection 6. This is a new subsection.

In addition to the Special Constables above referred to, there are a number of others who are appointed to that rank, supernumerary to the strength of the force, from time to time, at the request of the various Departments of the Federal Government, for the maintenance of law and order. They are paid by the Departments concerned, and the Royal Canadian Mounted Police have no financial concern regarding them. They are known as supernumerary Special Constables, and subsection 6 provides for their appointment and sets out their status.

**3, 4, 5.** Sections 11, 12 (1) and 13 (2)—The only change in these sections is the insertion of the words "Deputy Commissioner" to give him the necessary powers to act, etc. His appointment is provided for in the first section of this Act.

Section 13, subsection 3. This is a new subsection, and its purpose is to enable the Governor-in-Council to accept special personnel over the age of 40, under any agreement, which may be made with any of the Provinces, under section 5 of the R.C.M. Police Act, as well as the personnel of the Customs Excise Preventive Service of the Department of National Revenue absorbed into the Force.

the personnel of the Customs-Excise Preventive Service of the Department of National Revenue absorbed into the Force." (New.)

Oaths.

**6.** Subsection two of section fifteen of the said Act is repealed, and the following is substituted therefor:—

"(2) Such oaths may be taken by the Commissioner before any judge, stipendiary magistrate or justice of the peace, having jurisdiction in any part of Canada, and by any other member of the Force, before the Commissioner of Police or before any commissioned officer of the Force or any person having jurisdiction as aforesaid."

**7.** Paragraph *(a)* of section seventeen of the said Act is repealed and the following is substituted therefor:—

Duties of Force.

"*(a)* to perform all duties which now are or hereafter shall be assigned to constables in relation to the preservation of the peace, the prevention of crime, and of offences against the revenue laws of Canada and the laws and ordinances in force in any Province or territory or territories in which they may be employed, and the criminal and other laws of Canada, and the apprehension of criminals and offenders, and others who may be lawfully taken into custody."

**8.** Section nineteen of the said Act is amended by adding thereto the following subsection:—

Powers to prevent offences against revenue laws.

"(3) Members of the Force shall in connection with the prevention of offences against the revenue laws of Canada, have all the rights, privileges and immunities of customs and excise preventive officers, including authority to make seizures of goods for infractions of revenue laws and to lay informations in proceedings brought for the recovery of penalties therefor." (New.)

**9.** Subsection one of section thirty-one of the said Act is repealed and the following is substituted therefor:—

Trial and punishment.

"**31.** (1) The Commissioner, the Deputy Commissioner, and assistant Commissioner, or the superintendent or other commissioned officer commanding at any post or in any district, may, forthwith, on a charge in writing of any one or more of the offences mentioned in the last preceding section being preferred against any member of the Force, other than a commissioned officer, cause the person so charged to be brought before him, and he shall then and there, in a summary way, investigate the said charge, and, if proved on oath, to his satisfaction, shall thereof convict the offender."

**6.** Section **15.** (2) This amendment is to empower all commissioned officers to administer the oaths of allegiance and of office. Inspectors of the Royal Canadian Mounted Police, unless appointed by Order in Council, have no power to adminster oaths at present.

**7.** Section 17, paragraph *(a)*. This paragraph at present reads as follows:—

"*(a)* To perform all duties which now are or hereafter shall be assigned to constables in relation to the preservation of the peace, the prevention of crime, and of offences against the laws and ordinances in force in any province or territory or territories in which they may be employed, and the criminal and other laws of Canada, and the apprehension of criminals and offenders, and others who may be lawfully taken into custody."

The amendment adds the words "and of offences against the revenue laws of Canada."

**8.** Section 19, subsection 3. This is a new subsection and its purpose, together with paragraph *(a)* of section 17 above, is to give statutory authority to members of the Force to carry out the duties of the Preventive Service.

**9, 10, 11.** Sections 31, 35 (2) and 43. The only change in these sections is the insertion of the words "Deputy Commissioner" to give him the necessary powers to act, etc. His appointment is provided for in the first section of this Act.

**10.** Subsection two of section thirty-five of the said Act is repealed and the following is substituted therefor:—

Evidence.

"(2) Upon the trial of any offender under this section, it shall not be necessary to produce or give in evidence the original engagement or agreement to serve in the Force signed by such offender, but such engagement may be proved by parole evidence or by a certificate purporting to be signed by the Commissioner, the Deputy Commissioner, an assistant commissioner or any superintendent or inspector of the Force, giving the date and term of such engagement; and such certificate shall be prima facie evidence of such engagement."

Report to Commissioner.

**11.** Section forty-three of the said Act is repealed and the following is substituted therefor:—

"**43.** All fines and sentences of imprisonment, together with the record of investigation, shall be forthwith reported to the Commissioner, or in case of his absence, to the Deputy Commissioner or an assistant commissioner by whom they may be mitigated or reversed, in his discretion."

**12.** Section forty-eight of the said Act is amended by adding thereto the following subsections:—

Time on active service in great War included for pension purposes.

"(5) Time served on active service during the war between Great Britain and Germany which commenced on the fourth day of August, one thousand nine hundred and fourteen, may be included in the term of service for the purpose of pension under this Part.

Time in Civil Service and Customs-Excise Preventive Service.

(6) Time served in the Civil Service of Canada which counted towards superannuation and retirement under the various Civil Service Superannuation and Retirement Acts, and time served in the Customs-Excise Preventive Service of the Department of National Revenue may be included in the term of service for the purpose of pension under this Part." (New.)

**13.** Paragraph *(a)* of subsection one of section fifty-five of the said Act is repealed and the following is substituted therefor:—

Allowance to children.

"*(a)* in the case of the Commissioner, Deputy Commissioner, or an assistant Commissioner, eighty dollars."

**12.** Section 48, subsections 5 and 6 are new and permit of all time served on active service during the Great War between Great Britain and Germany, and also all time served in the Civil Service of Canada, and time served in the Customs-Excise Preventive Service to be counted by Officers of the Force for the purpose of pension, under this Act.

Insofar as Overseas service is concerned, under section 8 of Chapter 69, 9-10, George V, assented to on the 7th of July, 1919, all members of the North West Mounted Police, on active service in the Naval, Military or Air Forces of His Majesty during the Great War, are entitled to have such active service counted for the purpose of pension.

By section 9 of the same Act, in the case of the re-appointment or re-engagement in the Force of any person who was a member of the Force and who, subsequent to the 4th day of August, 1914, resigned or purchased or otherwise obtained his discharge from the Force for the purposes of serving in the Military, Naval or Air Forces of His Majesty during the Great War, and who served therein, the period of such service in such Forces is allowed to be counted for the purposes of pension.

From the two preceding paragraphs, it will be observed that actual members of the Force who served either with the Police Units overseas, or who left the Force for the purpose of serving in any of His Majesty's Naval, Military or Air Forces, are entitled to count the overseas service for pension. On the other hand, the member of the Force who served overseas, but who was not formerly a member of the Royal North West Mounted Police, is not allowed, at present, to count his overseas service for pension purposes, and it is now proposed to allow all such service to count, irrespective of whether the member of the Force concerned was formerly in the Royal Canadian Mounted Police or not, either before or during the War. This will place the Police on the same footing as members of the permanent Corps of the Active Militia of Canada. See section 8, subsection *(f)* and section 14, subsection 3 *(f)* of Chapter 133 of the Revised Statutes of Canada, 1927, the *Militia Pension Act.*

Insofar as subsection 6 is concerned, this is to allow all Officers of the Force to count all time served in the Civil Service of Canada, as stated, as well as time served in the Customs-Excise Preventive Service of the Department of National Revenue, to count for pension purposes under this part. A similar provision for "constables" is made under section 14 referred to below.

**13.** Section 55, paragraph *(a)*. The only change in this paragraph is the insertion of the words "Deputy Commissioner".

**14.** Section sixty-seven of the said Act is amended by adding thereto the following subsections:—

Constables pensions, Great War.

"(2) Time served on active service during the war between Great Britain and Germany which commenced on the fourth day of August, one thousand nine hundred and fourteen may be included in the term of service for the purpose of pension under this Part.

Civil Service.

Customs-Excise Preventive Service.

(3) Time served in the Civil Service of Canada which counted towards superannuation and retirement under the various Civil Service Superannuation and Retirement Acts, and time served in the Customs-Excise Preventive Service of the Department of National Revenue may be included in the term of service for the purpose of pension under this Part." (New).

Commencement of Act.

**15.** This Act shall be deemed to have come into operation on the first day of April, one thousand nine hundred and thirty-two.

**14.** Section 67, sub-sections 2 and 3. These are new subsections and provide that time served on active service during the Great War, and in the Civil Service of Canada, and in the Customs-Excise Preventive Service of the Department of National Revenue, be allowed to count for pension for Constables in a similar manner to that referred to for Officers in section 12 above mentioned.

Third Session, Seventeenth Parliament, 22 George V, 1932

THE HOUSE OF COMMONS OF CANADA.

# BILL 64.

An Act to authorize the Refund of Moneys received in connection with the administration of the Natural Resources.

First reading, April 27, 1932.

The MINISTER OF THE INTERIOR.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
45195 1932

3rd Session, 17th Parliament, 22 Geo. V, 1932

THE HOUSE OF COMMONS OF CANADA.

# BILL 64.

An Act to authorize the Refund of Moneys received in connection with the administration of the Natural Resources.

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Short title.

**1.** This Act may be cited as *The Refunds (Natural Resources) Act.*

Authority to make refunds.

**2.** The Governor in Council upon the recommendation of the Minister of the Interior may authorize the payment out of the Consolidated Revenue Fund of any sums of money representing dues, fees, guarantee deposits, credit balances, moneys paid for settlers' improvements, moneys held in trust, and other sums of money received in connection with the administration of the natural resources prior to the transfer thereof to the Provinces of Manitoba, British Columbia, Saskatchewan and Alberta, respectively, which His Majesty is under any legal obligation, or, in the opinion of the Minister, concurred in by the Governor in Council, is under any equitable obligation, to refund to any person in connection with any transactions relating to the said natural resources.

Statement to be laid before Parliament.

**3.** Within fifteen days after the commencement of each session of Parliament, the Minister of the Interior shall cause to be laid before both Houses of Parliament a statement of all moneys refunded under the authority of this Act since the last preceding session of Parliament, showing the name of each person to whom any sum of money has been so refunded, the amount of money refunded, the date of each such refund and the reason therefor.

## Explanatory Notes.

Up to the time of the transfer of the natural resources to the Western Provinces it was customary for the Department of the Interior, as a matter of departmental routine, to refund to those who had been doing business with the Department payment for which no value had been conveyed. Generally speaking, these refunds were a matter of departmental routine pratice; others were provided specially by regulation of the Governor in Council. The policy was well known and those who did business with the Department counted on being able to obtain these refunds with reasonable promptitude.

The whole question has been carefully reviewed by the Legal Officers of the Crown who advise that while there is presently no legal authority to make these refunds, there is a responsibility upon the Dominion. In certain cases this is a legal responsibility and in other cases a moral obligation.

The purpose of this Bill is to obtain authority to make from the Consolidated Revenue Fund such refunds as the Governor in Council may authorize.

Third Session, Seventeenth Parliament, 22 George V, 1932

THE HOUSE OF COMMONS OF CANADA.

# BILL 65.

An Act respecting the Eastern Bank of Canada.

First reading, April 27, 1932.

The MINISTER OF FINANCE.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
45229 1932

3rd Session, 17th Parliament, 22 Geo. V, 1932

THE HOUSE OF COMMONS OF CANADA.

# BILL 65.

An Act respecting the Eastern Bank of Canada.

Preamble.

1928, c. 28.

WHEREAS the Eastern Bank of Canada, (hereinafter called "the Bank"), was incorporated by chapter seventy-eight of the Statutes of 1928; and whereas the Bank did not commence business; and whereas the subscribers to the capital stock of the Bank, other than the late Angus McLean, deceased, of Bathurst, New Brunswick, have been refunded the amount paid by them on their respective subscriptions; and whereas the affairs of the Bank have been wound up and the executors of the estate of the said Angus McLean, deceased, have made application to the Minister of Finance for the payment out of the Bank Circulation Redemption Fund of the amount at the credit of the Bank; and whereas the sum of five thousand dollars deposited by the Bank under the provisions of the *Bank Act* in the Bank Circulation Redemption Fund represents moneys subscribed and paid for shares in the capital stock of the Bank by the said Angus McLean, deceased; and whereas it is expedient to obtain the authority of Parliament for the payment of the amount of the Bank Circulation Redemption Fund at the credit of the Bank to the executors of the said Angus McLean, deceased: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

R.S., c. 11; s. 64.

Payment authorized.

**1.** The Minister of Finance may pay to the executors of the estate of the late Angus McLean, of Bathurst, New Brunswick, the amount of the Bank Circulation Redemption Fund at the credit of the Eastern Bank of Canada.

Minister not bound to see to application.

**2.** The Minister of Finance shall be under no obligation to see to the proper application in any way of the amount so returned.

Third Session, Seventeenth Parliament, 22 George V, 1932

THE HOUSE OF COMMONS OF CANADA.

# BILL 69.

An Act to amend the Companies Act (Registration and Transfer Offices).

First reading, May 2, 1932.

The SECRETARY OF STATE.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
46452 1932

3rd Session, 17th Parliament, 22 Geo. V. 1932.

THE HOUSE OF COMMONS OF CANADA.

# BILL 69.

An Act to amend the Companies Act (Registration and Transfer Offices).

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

R.S., 1927, c. 27. 1930, c. 9; 1931, c. 26.

**1.** The *Companies Act*, chapter twenty-seven of the Revised Statutes of Canada, 1927, is hereby amended by adding thereto the following Part:

## "PART V.

### REGISTRATION AND TRANSFER OFFICES.

"Company".

"**213.** In this Part, unless the context otherwise requires, 'company' means any company incorporated by or under the authority of any Act of the Parliament of Canada or of the Legislature of the late Province of Canada.

Registration and transfer offices within and without Canada.

"**214.** (1) It is hereby declared and enacted that every company has, and always has had, the capacity to maintain offices for the registration and transfer of shares of its capital stock and/or of the bonds, debentures, debenture stock and other securities issued by the company at any place within or beyond the limits of Canada.

Books for entry of copy of particulars of registrations and transfers.

(2) Unless the books for the registration and transfer of the shares of the capital stock and of the bonds, debentures, debenture stock and other securities of any company are kept at the chief place of business of the company in Canada, a book or books shall be kept at such chief place of business of the company or at the place in Canada where one of its branch registration and transfer offices is maintained, in which shall be entered a copy of the particulars of every registration and transfer of shares of its capital

EXPLANATORY NOTE.

1. At the present time all companies incorporated by Letters Patent issued under Part I of the Companies Act, (See. 1930, c. 9, s. 33), all banks incorporated under the provisions of the Bank Act, (R.S., c. 12, s. 42, ss. 5), and certain other companies, such as the Canadian Pacific Railway Company, are authorized to maintain outside of Canada registers in which may be registered transfers of their capital stock.

In view of repressntations made to the government, it has been deemed advisable to facilitate transfers of shares in the capital stock or of the bonds, debentures or debenture stock issued by all companies, which are under the legislative jurisdiction of the Parliament of Canada, by extending to such companies the right to maintain registry or transfer offices within or without Canada.

stock and/or of the bonds, debentures, debenture stock and other securities issued by the company; but entry of the particulars of every such registration and transfer in a register or branch register kept elsewhere than at such chief place of business of the company shall, for all purposes, be a complete and valid registration and transfer."

Third Session, Seventeenth Parliament, 22 George V, 1932

THE HOUSE OF COMMONS OF CANADA.

# BILL 70.

An Act respecting the Canadian National Railways and to provide for an extension of the time for the construction or completion of certain lines of railway.

AS PASSED BY THE HOUSE OF COMMONS, 2nd MAY, 1932.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
45281 1932

3rd Session, 17th Parliament, 22 Geo. V, 1932

THE HOUSE OF COMMONS OF CANADA.

# BILL 70.

An Act respecting the Canadian National Railways and to provide for an extension of the time for the construction or completion of certain lines of railway.

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Extension of time for construction.

**1.** The time for the construction or completion of each line of railway mentioned or described in the schedule to this Act, as fixed in the Act authorizing such construction or completion, is hereby extended until the thirty-first day of August, one thousand nine hundred and thirty-four.

## SCHEDULE.

| Line of Railway. | Act authorizing construction or completion. |
|---|---|
| (a) From a point at or near Bulwark to a point in Township 38 or 39, Range 8, West of the Fourth Meridian, in the Province of Alberta. | Statutes of Canada, 1929, Chapter 19, Section 1. |
| (b) From a point near Central Butte or Mawer to a point in Township 18 or 19, Range 10, 11 or 12, West of the Third Meridian in the Province of Saskatchewan. | Statutes of Canada, 1929, Chapter 20, Section 1. |
| (c) From a point on the Dundas Subdivision near Brantford to a point on the Dunnville Subdivision near Cainsville, in the Province of Ontario. | Statutes of Canada, 1929, Chapter 21, Section 1. |
| (d) From Hemaruka to Scapa, in the Province of Alberta. | Statutes of Canada, 1929, Chapter 25, Section 1. |
| (e) From Neidpath to a point on the Canadian Pacific Railway near Swift Current, in the Province of Saskatchewan. | Statutes of Canada, 1929, Chapter 28, Section 1. |
| (f) From New Westminster to a point on Lulu Island, in the Province of British Columbia, with Branches therefrom. | Statutes of Canada, 1929, Chapter 29, Section 1. |
| (g) From Ridgedale, in the Province of Saskatchewan, thirty miles toward The Pas, in the Province of Manitoba. | Statutes of Canada, 1929, Chapter 30, Section 1. |

## Explanatory Note.

The object of this Bill is to extend the time for construction or completion of the lines of railway, referred to in the Schedule to the Bill, from the 31st of August, 1932, to the 31st of August, 1934.

## SCHEDULE—*Concluded*

| Line of Railway. | Act authorizing construction or completion. |
|---|---|
| *(h)* From St. Walburg, in the Province of Saskatchewan, to Bonnyville, in the Province of Alberta. | Statutes of Canada, 1929, Chapter 32, Section 1. |
| *(i)* From a point on the Sudbury Branch to a point in the Township of Fairbank, in the Province of Ontario. | Statutes of Canada, 1929, Chapter 33, Section 1. |
| *(j)* From Sunnybrae to Guysborough, in the Province of Nova Scotia. | Statutes of Canada, 1929, Chapter 34, Section 1. |
| *(k)* From a point near Swift Creek to a point near Tête Jaune, in the Province of British Columbia. | Statutes of Canada, 1929, Chapter 35, Section 1. |
| *(l)* From a point near Unity to a point near the Provincial Boundary in Township 36 or 37, in the Province of Saskatchewan. | Statutes of Canada, 1929, Chapter 36, ,Section 1. |

Third Session, Seventeenth Parliament, 22 George V, 1932

THE HOUSE OF COMMONS OF CANADA.

# BILL 71.

An Act respecting the Canadian National Railways and to authorize the guarantee by His Majesty of securities to be issued under the Canadian National Railways Financing Act, 1932.

AS PASSED BY THE HOUSE OF COMMONS, 3rd MAY, 1932.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
46426 1932

3rd Session, 17th Parliament, 22 Geo. V, 1932

THE HOUSE OF COMMONS OF CANADA

# BILL 71.

An Act respecting the Canadian National Railways and to authorize the guarantee by His Majesty of securities to be issued under the Canadian National Railways Financing Act, 1932.

HIS MAJESTY, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Short title.

**1.** This Act may be cited as *The Canadian National Railways Guarantee Act, 1932.*

Guarantee.

**2.** (1) The Governor in Council may authorize the guarantee of the principal, interest and sinking funds (if any) of the securities (hereinafter called "guaranteed securities") which the Canadian National Railway Company may make or issue from time to time under the provisions of *The Canadian National Railways Financing Act, 1932*, such guaranteed securities being limited to an aggregate principal amount at any one time outstanding of $61,500,000.00.

How signed.

(2) The guarantee or guarantees may be in such form and on such terms and conditions as the Governor in Council may determine to be appropriate and applicable thereto, and may be signed on behalf of His Majesty by the Minister of Finance or the Acting Minister of Finance, or by such other person as the Governor in Council may from time to time designate, and such signature shall be conclusive evidence for all purposes of the validity of the guarantee and that the provisions of this Act have been complied with.

Method of Guarantee.

(3) Any such guarantee may be either a general guarantee covering the total amount of the issue, or by a separate guarantee endorsed on each obligation.

Temporary Guarantee.

(4) With the approval of the Governor in Council, temporary guarantees may be made, to be subsequently replaced by permanent guarantees.

Proceeds paid to credit of Minister of Finance in trust.

**3.** (1) The proceeds of the sale, pledge or other disposition of any guaranteed securities shall be deposited in a bank or banks in a fund to the credit of the Minister of Finance in trust for the Company. The Board of Directors or the Executive Committee of the Company may from time to time authorize application to be made to the Minister of Railways and Canals for the release to the Company of any part of the proceeds so deposited for the purpose of meeting specified authorized expenditures within the respective limits mentioned in section two of *The Canadian National Railways Financing Act, 1932*, and the said Minister may in his discretion approve the said application and may request the Minister of Finance to release to the Company the amount or amounts covered by such application or parts thereof for the purposes therein specified.

(2) No purchaser of such guaranteed securities shall be under any obligation to inquire into the application of the proceeds of any issue of guaranteed securities, nor into the observance of any provision of subsection one of this section.

Temporary advances by His Majesty.

**4.** Pending the issue and disposal of such guaranteed securities, the Governor in Council may from time to time authorize advances to be made to the Company from the Consolidated Revenue Fund, or to be obtained by the Company from persons other than His Majesty, on such terms and conditions as the Governor in Council may approve, such advances to be reimbursed by the Company from the proceeds of the sale, pledge or other disposition of such guaranteed securities.

Third Session, Seventeenth Parliament, 22 George V, 1932

THE HOUSE OF COMMONS OF CANADA.

# BILL 72.

An Act respecting Relief Measures.

First reading, May 4, 1932.

The MINISTER OF LABOUR.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
46259 1932

3rd Session, 17th Parliament, 22 Geo. V, 1932

THE HOUSE OF COMMONS OF CANADA.

# BILL 72.

An Act respecting Relief Measures.

Preamble.

WHEREAS by reason of the prolonged world wide economic depression, recovery to a more normal economic condition has been retarded in the Dominion of Canada; and whereas the Provinces require assistance in carrying out necessary relief measures and to meet financial conditions as the same may arise; and whereas it is in the national interest that Parliament should support and supplement the relief measures of the Provinces and grant them financial assistance in such manner and to such extent as the Governor in Council may deem expedient; and whereas it is necessary to make special provisions to deal with the situation in the National Parks of Canada and in the drought stricken areas of the Province of Saskatchewan; and whereas for these and similar purposes the powers necessary to insure the speedy and unhampered prosecution of such relief measures and the maintenance of the credit of the Dominion and the Provinces thereof should be vested in the Governor in Council: Now, therefore, His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Short title.

**1.** This Act may be cited as *The Relief Act, 1932.*

Agreements with provinces authorized.

**2.** The Governor in Council may, on such terms and conditions as may be agreed upon, and notwithstanding the provisions of any statute or law.

*(a)* Enter into agreements with any of the Provinces respecting relief measures therein;

*(b)* Grant financial assistance to any Province by way of loan, advance, guarantee or otherwise;

*(c)* Take all such measures as in his discretion may be deemed necessary or advisable to protect the credit and financial position of the Dominion or any Province thereof;

*(d)* Loan or advance money to, or guarantee the payment of money by any public body, corporation or undertaking.

Powers of Governor in Council.

**3.** Without restricting the generality of the terms of the next preceding section hereof and notwithstanding the provisions of any statute or law, the Governor in Council may

*(a)* Provide for special relief, works and undertakings, in the National Parks of Canada, and for the continuance during such period as may be necessary and advisable of the relief measures heretofore undertaken and now being carried on at the cost of Canada in the drought stricken areas of Saskatchewan by the Saskatchewan Relief Commission;

*(b)* Assist in defraying the cost of the sale and distribution of the products of field, farm, forest, sea, river and mine;

*(c)* Take all such other measures as may be deemed necessary or advisable for carrying out the provisions of this Act.

Payments out of Consolidated Revenue Fund.

**4.** The Governor in Council may pay out of the Consolidated Revenue Fund such moneys as may be necessary for all or any of the purposes of this Act.

Orders and regulations.

**5.** The Governor in Council shall have full power to make all such orders and regulations as may be deemed necessary or desirable to carry out the purposes and intention of this Act.

Enforcement of orders and regulations.

**6.** All orders and regulations of the Governor in Council made hereunder shall have the force of law and may be varied, extended or revoked by any subsequent order or regulation; but if any order or regulation is varied, extended or revoked, neither the previous operation thereof nor anything duly done thereunder shall be affected thereby, nor shall any right, privilege, obligation or liability acquired, accrued, accruing or incurred thereunder be affected by any such variation, extension or revocation.

Orders and regulations laid before Parliament.

**7.** All orders in council and regulations made under the provisions of this Act shall be laid before the House of Commons forthwith after the making thereof if Parliament is then sitting, or if not, within the first fifteen days of the next ensuing session.

Report to Parliament.

**8.** A report shall be laid before Parliament within fifteen days after the expiration of this Act, or if Parliament is not then in session, then within the first fifteen days of the next ensuing session, containing a full and correct statement of the moneys expended, guarantees given and obligations contracted under this Act.

Duration of Act.

**9.** This Act shall expire on the thirty-first day of March, 1933, and any obligation or liability incurred or created under the authority of this Act prior to the thirty-first day of March, 1933, may be paid and discharged out of the Consolidated Revenue Fund notwithstanding the expiration of this Act on the said date.

Third Session, Seventeenth Parliament, 22 George V, 1932

THE HOUSE OF COMMONS OF CANADA.

# BILL 73.

An Act respecting the Incorporation of Live Stock Record Associations.

First reading, May 4, 1932.

The MINISTER OF AGRICULTURE.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
44626 1932

3rd Session, 17th Parliament, 22 Geo. V, 1932

THE HOUSE OF COMMONS OF CANADA.

# BILL 73.

An Act respecting the Incorporation of Live Stock Record Associations.

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

## SHORT TITLE.

Short title.

**1.** This Act may be cited as *The Live Stock Pedigree Act, 1932.*

## INTERPRETATION.

**2.** In this Act unless the context otherwise requires,

"Association."
*(a)* "association" means an association incorporated under this Act;

"Minister."
*(b)* "Minister" means the Minister of Agriculture;

"Pure-bred."
*(c)* "pure-bred" means registered in or eligible for registration in the records of any association incorporated under this Act according to the rules of such association.

## ASSOCIATIONS.

Application for association.

**3.** (1) The Minister, upon the application of any number of persons, not less than five, being British subjects, of the age of twenty-one years or over, who desire to form an association for the purpose of keeping a record of pure-bred domestic live stock of a distinct breed, or several records, each of a distinct breed of the same species of animals, may approve of the application and grant the certificates hereinafter mentioned.

Form of application.

(2) The application shall be in the form or to the effect set out in form A in the schedule to this Act, and shall be in triplicate.

## Explanatory Notes.

This is a Bill to consolidate and amend the Live Stock Pedigree Act, chapter 121 of the Revised Statutes of Canada, 1927. The changes are indicated as far as possible by the underlined words in the text of the Bill and by italics in the existing sections as printed opposite the sections in this Bill. All new sections are indicated by the word "New" at the end thereof.

Sections **1** and **2.** These are the same as in the existing Act.

Section **3.** The only change in subsection 1 of section 3, is the added underlined words "being British subjects" and the change of the words animals in the Act to the underlined words "live stock". In subsection 2 of section 3, there is the requirement that applications for incorporation under the Act shall be in triplicate instead of in duplicate as outlined in subsection 2 of section 6 of the Act.

Section **3.** (1) This is section 5 of the Act, amended. The section reads as follows:—

"**5.** The Minister, upon the application of any number of persons, not less than five, of the age of twenty-one years or over, who desire to form an association for the purpose of keeping a record of pure-bred domestic *animals* of a distinct breed, or several records, each of a distinct breed of the same species of animals, may approve of the application and grant the certificate hereinafter mentioned."

Section **3.** (2) This is subsection 1 of section 6 of the Act which reads as follows:—

"**6.** The application shall be in the form or to the effect set out in Form A in the schedule to this Act, and shall be in *duplicate*."

Attestation.

(3) Each triplicate shall be signed by each of the applicants, and the signatures shall be verified by the affidavit of a subscribing witness, which affidavit may be taken before a notary public or a commissioner authorized to take affidavits to be used either in the provincial or Dominion courts.

Documents annexed.

(4) The application shall be accompanied by three copies of the constitution, by-laws and rules proposed for the regulation of the affairs of the association.

Certificate of approval.

(5) Upon approving the application, constitution, by-laws and rules the Minister shall endorse all copies with his certificate in Form B in the schedule to this Act, and cause one copy thereof to be registered in the Department of Agriculture, another to be transmitted to the Director of the Canadian National Live Stock Records and the other to be returned to the applicants, or some one of them.

Incorporation.

(6) From the date of such certificate, the applicants and such other persons, partnerships and bodies corporate as become members of the association shall be a body corporate and politic under the name approved by the Minister.

Limitation.

**4.** (1) Not more than one association for each distinct breed or a number of breeds of the same species shall be incorporated under this Act.

No other person to keep record or issue certificate.

(2) Save as provided by this Act when an association for a distinct breed is incorporated under this Act it shall be unlawful for any other person, in respect of such breed, to conduct a book of record or to issue a certificate of registration or any document purporting to be a certificate of breeding. (New.)

Constitution.

**5.** (1) The constitution, by-laws or rules in section three of this Act mentioned shall set forth or provide for

Name.

*(a)* the name of the association;

Objects.

*(b)* the objects for which the association is to be incorporated;

Membership.

*(c)* the admission, resignation, suspension and expulsion of members, ordinary or life and the annual fee to be paid by ordinary members and the fee, if any, to be paid by life members;

Head office.

*(d)* the place within Canada where the head office of the association and of the branch offices, if any, are to be situated;

Officers.

*(e)* the officers of the association, their election, the duties of each and the filling of vacancies;

Meetings.

*(f)* the convening of general, annual and special meetings of the association;

Audit.

*(g)* the audit of the accounts of the association;

Section **3.** Subsections 3, 4 and 5 provide for each triplicate to be signed by the applicants and be accompanied by three copies of the proposed constitution, by-laws, rules, etc., which, on being approved, one is retained by the Department of Agriculture, one is forwarded to the Association and one is forwarded to the Canadian National Live Stock Records.

Section **3.** (3) This is subsection 2 of section 6 of the Act which reads as follows:—

"2. Each *duplicate* shall be signed by each of the applicants, and the signatures shall be verified by the affidavit of a subscribing witness, which affidavit may be taken before a notary public or a commissioner authorized to take affidavits to be used either in the provincial or Dominion courts."

Section **3.** (4) This is section 7 of the Act which reads as follows:—

"7. Each application shall be accompanied by *two* copies of the constitution, by-laws and rules proposed for the regulation of the affairs of the association."

Section **3.** (5) This is section 8 of the Act, redrafted. The existing section reads as follows:—

"8. Upon the approval of the Minister of the application, constitution, by-laws and rules shall he cause *one of the duplicates* thereof to be registered in the Department of Agriculture and the other to be returned to the applicants, or some one of them, with a certificate endorsed thereon and signed by him in Form B in the schedule to this Act."

Section **3.** (6) This is the same as section 9 of the Act.

Section **4**, subsection 1. The underlined words are added. "A number of breeds of the same species" has reference to such Associations as for example the Canadian Swine Breeders Association, which includes in its operations several breeds of swine: Yorkshire, Berkshire, Tamworth, etc.

Section **4.** (1) This is section 10 of the Act, amended. The present section reads as follows:—

"10. Not more than one association for each distinct breed shall be incorporated under this Act."

Section **4.** (2) This is new.

The object of this section is to prevent the keeping of a public record by an individual or others.

Section **5.** (1) Paragraph from *(a)* to *(k)* are the same as in the existing Act. The paragraphs from *(m)* to *(s)* are new.

Registration of pedigrees.

*(h)* the registration of pedigrees of the particular breeds of the species of live stock the recording of which is within the powers of the association; and the rules shall clearly define what live stock shall be eligible for registration in the records of the association;

Annual report.

*(i)* the annual report of the officers, and a detailed statement, duly audited, of receipts and expenditures for the preceding year of and the assets and liabilities;

Books.

*(j)* the keeping of a book by the secretary at the head office of the association, and by the proper officer at each branch office, wherein shall be written or printed a copy of the constitution, by-laws and rules of the association, with all amendments thereof; which books shall, at all reasonable times, be open to the inspection of members of the association, who shall have the right freely to make copies thereof;

Seal.

*(k)* a corporate seal;

General.

*(l)* the governing of the affairs of the association generally; *(See* section 12 *(b)* of Act.)

Private breeding records.

*(m)* the keeping by its members of private breeding records and the manner in which these shall be kept; (New).

Identification.

*(n)* a practical and effective system of identification; (New).

Inspection of records and system of identification.

*(o)* authority to conduct an inspection on behalf of the Minister, of the association or of the Canadian National Live Stock Record Committee in a manner therein defined of private herd records and of the manner in which the system of identification as required by the constitution is being practised; (New).

Unsatisfactory practices.

*(p)* the manner in which unsatisfactory practises in respect of identification shall be dealt with; (New).

Standard of individual inspection.

*(q)* if and when the principle of individual inspection to determine eligibility by inspection is approved by the association, the standard which shall apply in connection with such inspection and the manner in which such inspection shall be carried on; (New).

Standards of performance.

*(r)* if and when the principle of applying performance to determine eligibility for advanced registration is approved by the association, the standards of performance which shall apply and the manner in which inspection of the application of such standards shall be carried on; (New).

Fees.

*(s)* the fee to be charged for registration made by members and by non-members. (New).

Unlawful inspections.

(2) When any system of inspection involving the inspection of animals for individuality, character, performance or other quality is maintained by an association incorporated under this Act, it shall be unlawful for any person or persons to conduct any inspection of animals of the particular breed

Section **5**, subsection 1. Paragraphs *(m)* to *(r)* are designed to make provision for an association incorporated under the Act to provide for the keeping of private records by breeders in order to maintain the identification of individual animals and to provide for the voluntary inspection by an association of animals for registration purposes. These subsections are submitted as a result of the expressed desire of several breed associations.

"Advanced registrations" means that an animal must conform to certain standards of conformation and have attained certain prescribed minimum standard of production.

Section **5.** (2) This is new.

This section is suggested to prevent private organizations both Canadian and United States inspecting and rating animals by a standard which to all intents and purposes misleads purchasers as to the quality of an animal. This is particularly applicable to the operations of the American Fox Institute of Boston, Mass., whose agents come year after year to Canada and issue what is purported to be a certificate of registration of conformation and quality.

concerned which is not provided for in the constitution of such association, and any inspection carried on contrary to the intent of this section shall be deemed to be an infraction of this Act and subject to the penalties imposed thereunder. (New).

Joint operation with other associations.

(3) The constitution, by-laws or rules may provide for the exercise, in conjunction with any other association, of any of the powers or functions of the association through a common officer or officers appointed under the constitution and rules of the Canadian National Live Stock Record Board.

Amendment of constitution and by-laws.

**6.** (1) No amendment or repeal of any constitution, by-law or rule of an association shall have any force or effect until it has been approved by the Minister and registered in the Department of Agriculture.

Application and copies.

(2) An application for approval of any amendment shall be accompanied by triplicate copies of each proposed amendment. (New).

Evidence required.

(3) The Minister before approving of any such amendment or repeal may require evidence by affidavit or statutory declaration that all formalities and requirements under the constitution, by-laws and rules have been complied with.

Certificate of approval.

(4) Upon approving any such amendment or repeal the Minister shall endorse all copies with a certificate of approval. (New).

Binding effect of constitution.

**7.** The constitution, by-laws and rules of an association shall bind each member thereof as fully as though he had subscribed his name and affixed his seal to the same.

Powers.

**8.** An association may

Property.

*(a)* acquire, hold and dispose of any real or personal property necessary for the carrying out of the objects of the association;

Notes and bills.

*(b)* draw, make, accept, endorse and execute promissory notes, bills of exchange and other negotiable instruments necessary for the carrying out of the objects of the association: Provided that nothing herein shall authorize an association to issue any note payable to the bearer thereof, or intended to be circulated as money, or to engage in the business of banking;

Funds.

*(c)* use the funds of the association for any purpose calculated to benefit the particular breed or species of live stock mentioned in the application, including grants to exhibitions.

Section **5.** (3) Same as 12 *(a)* of the Act.

Section **6.** (1) Same as 13 (1) of the Act.

Section **6.** (2) This is new. This provides for the filing of three copies with the Minister of all proposed amendments instead of two as formerly.

Section **6.** (3) Same as 13 (2) of the Act.

Section **6.** (4) This is new. Provides for endorsation of the Minister of three copies of amendments instead of two as formerly.

Section **7.** This is section 14 of the Act, redrafted. The present section reads as follows:—

"**14.** The constitution, by-laws and rules of the association shall be binding on the association and the members thereof in the same manner and to the same extent as if each member had subscribed his name and affixed his seal thereto."

Section **8.** This is the same as section 16 of the Act, except that the underlined words "live stock" in 8 *(c)* are substituted for the word "animals."

Limited liability.

**9.** The financial liability of a member to the creditors of the association shall be limited to the amount due from him in respect to his membership and any registration fees.

Approval of certificates.

**10.** (1) The Minister may examine and, when satisfied that the same is in accord with the fact, may approve under the seal of the department any certificate duly issued by an association affiliated under section thirteen of this Act.

Notice of errors.

(2) In the event of any certificate approved by the Minister as by this section provided later proving incorrect in any particular, notice thereof shall forthwith be given to the Minister by the association which issued such certificate. (New).

Notice of meeting to amend constitution or by-laws.

**11.** (1) There shall be forwarded to the Minister and to the Director, Canadian National Live Stock Records, in the same manner as to members, notice of any meeting of an association setting out proposed amendment or amendments to the constitution, by-laws or rules.

Reports to Minister and Director.

(2) There shall be forwarded to the Minister and to the Director, Canadian National Live Stock Records, immediately after each annual meeting of any association affiliated under section thirteen of this Act, by the secretary thereof, a copy of the annual report including a statement of receipts and expenditures and of the assets and liabilities together with a list of the officers of the association and of its representatives elected to the Canadian National Live Stock Record Board at the said meeting.

Inquiries.

**12.** (1) The Minister shall have power to appoint a person or persons to hold inquiries into the conduct of its business by any association incorporated under this Act, and every person so appointed shall have for the purposes of his appointment all the powers of a commissioner under the *Inquiries Act*. (New).

R.S., c. 99.

Powers of Minister.

(2) Upon the conclusion of any inquiry held under the provisions of this section the Minister may require the association to take or he may take such action as he considers necessary to provide for the proper conduct of the business of the association. (New).

Directions to association in default.

(3) The Minister at any time upon being satisfied that an association has failed for a period of twelve months to carry on business or for any period has failed to conduct its business in accordance with the provisions of its constitution, by-laws and rules, may make such direction to the association as to him seems proper in the interest of the purposes for which the association was incorporated. (New).

Section **9.** This is section 15 of the Act, redrafted. The present section reads as follows:—

"**15.** The liability of a member of an association shall be limited to the amount due for his membership and registration fees."

Section **10.** (1) This is based upon section 17 of the Act, and redrafted. The present section reads as follows:—

"**17.** If provided by the constitution, or on the request of an association, which request has been authorized at the annual meeting or at a special general meeting of the association duly called for that purpose, the Minister may, under the hand of an officer of his department, duly authorized, and under the seal of his department, or such other seal as is adopted for that purpose, approve of tbe certificates of registration issued by the association."

Section **10.** (2) This is new. This is a redraft of the wording of the Act providing for the cancellation of certificates.

Section **11.** (1) This is new. This section is added in order to provide that the Minister and the Director of the Canadian National Live Stock Records may examine proposed amendments to ascertain whether they conform to the provisions of the Act prior to their presentation to a meeting for approval by an association.

Section **11.** (2) This is based upon section 18, redrafted. That section reads as follows:—

"**18.** A copy of the annual report, the annual statement of receipts and expenditures and of the assets and liabilities, and a list of the officers, shall be sent by the secretary to the Minister by post within twenty days after each annual meeting of an association."

This section prescribes the forwarding of complete and specified information to the Minister and Director of the Canadian National Live Stock Records immediately instead of within twenty days, as specified in the Act.

Section **12.** (1) and (2) These subsections are new.

Past departmental experience indicates that these additions are very necessary.

Section **12.** (3) This is based upon section 22, redrafted. That section reads as follows:—

"**22.** If an association ceases for twelve consecutive months to do business as required by its constitution, by-laws and rules, or if the Minister is satisfied, after an inquiry at which the association was given due notice to appear, that the business of the association is not being properly conducted, the Minister may declare the corporate powers of the association at an end, and the affairs of the association shall be wound up in accordance with such regulations as the Governor in Council may make in that behalf."

The intent is similar in both cases.

When association fails to comply.

(4) If the association fail within the period set thereby to carry out any direction by him to it given in accord with the last preceding subsection the Minister may

Business taken over.

*(a)* authorize the Canadian National Live Stock Record committee to take over and carry on the property and business of the association, and the committee shall in such event and for such purposes have all the powers by this Act howsoever given to the association, or (New).

Corporate powers cancelled.

*(b)* may declare the corporate powers of the association at an end.

Property and business may be returned and rights resumed.

(5) The Canadian National Live Stock Record Committee shall at any time when it is thereunto directed by the Minister hand over to the association the property and business of the association taken over by the Committee under the provisions of this section, together with a statement of receipts and expenditures covering the period during which the committee had control of the same, and in such case the association shall fully resume the powers given it by this Act. (New).

Winding-up.

(6) In the event of the Minister declaring the corporate powers of an association to be at en end the affairs of the association shall be wound up in accordance with such regulations as may from time to time in that behalf be made by the Governor in Council.

CANADIAN NATIONAL LIVE STOCK RECORDS.

Affiliated association.

**13.** (1) Any associations incorporated in accordance with the provisions of section three of this Act, the constitutions whereof as approved provide for joint action, may affiliate for keeping live stock records, issuing and recording certificates of registration and performing such services as from time to time may appear to be in the interest of breeds for which no record association has been formed in Canada. (New).

Name.

(2) Such affiliation shall be known as Canadian National Live Stock Records. (New).

Articles.

(3) The terms or articles of affiliation shall

Governing body.

*(a)* provide for a governing body to be known as the Canadian National Live Stock Record Board and representative of the affiliated associations; (New).

Administrative committee.

*(b)* provide for an administrative committee to be known as the Canadian National Live Stock Record Committee; (New).

Director.

*(c)* provide for appointment of an officer to be known as Director of Canadian National Live Stock Records who shall be the secretary of the Board and of the Committee respectively and accountant and treasurer of Canadian National Live Stock Records; (New).

Section **12.** (4) This is new, except paragraph *(b)* taken from section 22 of the Act.

*(a)* The intention of this clause is to provide for the carrying on of a record by the Canadian National Live Stock Records when an association for any reason ceases to function temporarily.

Section **12.** (5) This is new.

This provides for the handing back by the Canadian National Live Stock Records the affairs of an association that again functions.

Section **12.** (6) This is taken from section 22 of the Act.

Section **13.** This section is new.

This section is to provide for the incorporation of the Canadian National Live Stock Records. In the present Act while the Canadian National Live Stock Records and Canadian National Live Stock Record Board are mentioned in sections 12 and 19 there is no provision for the making of a corporate body.

Basis of representation.

*(d)* provide the basis of representation upon and set out the method of appointment of representatives from the various affiliated breed associations to the Canadian National Live Stock Record Board; (New).

Chairman.

*(e)* provide for election of a chairman and a vice-chairman; (New).

Business.

*(f)* describe the manner in which the business of the Board shall be conducted; (New).

Elections.

*(g)* set forth the method of election of members of the Committee. (New).

Registration of articles.

**14.** (1) Canadian National Live Stock Records shall become established upon the registration with the Department of Agriculture of the articles of affiliation duly subscribed to by the proper officers of the associations originally seeking affiliation and bearing an endorsement of his approval of the said articles by the Minister. (New).

Changes to be approved.

(2) Any repeal or amendment of the articles of affiliation shall be effective only upon its approval by the Minister. (New).

Procedure to acquire affiliation.

(3) After the establishment of Canadian National Live Stock Records any qualified association may affiliate by filing with the Director of Canadian National Live Stock Records a copy of the registered articles of affiliation duly subscribed to by its proper officers. (New).

GENERAL.

Regulations.

**15.** (1) The Governor in Council may make such orders and regulations, not inconsistent with this Act, as to him seems necessary for carrying out the provisions of this Act.

Effect.

(2) Such orders and regulations shall have the same force and effect as if embodied in this Act.

Publication.

(3) Every such order or regulation shall be published in two issues of the *Canada Gazette*.

Proof.

(4) Any such order or regulation may be proved by the production of a copy thereof certified under the hand of the Minister and shall, until the contrary is proved, be deemed to have been duly made, published and issued on the date thereof.

Officers.

**16.** There may be appointed in the manner authorized by law such officers as are necessary for carrying out the provisions of this Act.

OFFENCES AND PENALTIES.

**17.** Every person who

False statements or representations.

*(a)* knowingly and with intent to deceive, signs or presents or causes or procures to be signed or presented to the recording officer of an association, or to the

Section **14.** This section is a redraft of section 12 of the Act.

This section provides for the Canadian National Live Stock Records to be an incorporated organization by the affiliation of record associations incorporated under the Act to carry on operations jointly and to the advantage of each individual breed association.

Section **15.** This is the same as section 3 of the Act.

Section **16.** This is the same as section 4 of the Act.

Section **17.** This penalty clause takes the place of section 19 of the Act, which reads as follows:—

"**19.** Every person who wilfully signs or presents, or causes or procures to be signed or presented, to the recording officer of an association or to the accountant or other person in charge of the Canadian National Live Stock Records a declaration or application for registration of any animal by any association containing a false or fraudulent statement regarding the age, colour, breeding or pedigree of such animal, shall be guilty of an offence against this Act, and shall upon conviction upon information laid within two years of the commission of the offence incur a penalty of not less than one hundred dollars and not exceeding five hundred dollars."

person in charge of the Canadian National Live Stock Records, any declaration or any application for registration or any transfer of ownership respecting any animal or bird containing any material false statement or representation, or

False pretense as to certificate.

*(b)* falsely holds out any certificate of registration as applying to an animal or bird other than the one in respect of which it was issued, or

Contravention of rules.

*(c)* wilfully commits any act in contravention of the rules promulgated by any association or Canadian National Live Stock Records,

Penalty.

is guilty of an offence and liable to a fine not exceeding five hundred dollars and costs and not less than one hundred dollars and costs, and in default of payment to imprisonment for any term not exceeding two months. (New).

Export, transport or sale of pure-bred without certificate.

**18.** (1) When by the constitution, by-laws or rules of an association incorporated in accordance with this Act, provision has been made for the registration of any class or breed, and export from Canada, or transport from province to province within Canada, or the sale or contract to sell of any animal or bird of such class or breed as pure-bred without furnishing the actual buyer a certificate of pedigree registration issued by such association, is prohibited, every person who

Export or transport.

*(a)* exports from Canada or transports from one province in Canada to another province in Canada any animal or bird of such class or breed as pure-bred without furnishing to the actual buyer in connection therewith a certificate of pedigree registration as issued by such association, or

Sale.

*(b)* as owner sells or contracts to sell any animal or bird of such class or breed as pure-bred without furnishing or agreeing as an integral part of the contract of sale to furnish the certificate of pedigree registration together with the duly recorded transfer of ownership thereof to the actual buyer,

Penalty.

is guilty of an offence and liable to a fine not exceeding five hundred dollars and costs and not less than one hundred dollars and costs, and in default of payment to imprisonment for any term not exceeding two months. (New).

Animal or bird deemed to be pure bred.

(2) Any animal or bird owned in Canada of a class or breed for which no record exists in Canada and duly registered in a foreign book of record recognized as authentic by the Canadian National Live Stock Records' Committee shall for the purposes of this section be deemed to be pure bred.

Section **17.** (*a* to *c*) Under the Act prosecution is limited to certain offences only. Past experience has indicated the necessity of widened powers of prosecutions. In this connection reference should be made to section 22 of the proposed Act and the explanation thereof.

Section **18.** This section is new.

This section is designed to empower an association incorporated under the Act through its constitution to provide for the furnishing of a certificate of registration for a pure bred animal sold in Canada or exported to a foreign country, said certificate to show the ownership of the purchaser.

Using names without authority.

**19.** It is an offence to use without authority the name of Canadian National Live Stock Records, Canadian National Live Stock Record Board, Canadian National Live Stock Record Committee or of any association incorporated under this Act, or any name or colourable imitation of or so nearly resembling any of the said names as to deceive the public. (New)

Venue.

**20.** Every offence against this Act or against any order or regulation of the Governor in Council shall, for the purpose of proceedings under this Act or under such order or regulation, be deemed to have been committed, and every cause of complaint thereunder shall be deemed to have arisen, either in the place in which it actually was committed or arose or in any place in which the person charged or complained against happens to be.

Recovery of penalties.

**21.** Every penalty imposed by this Act shall be recoverable with costs before any two justices of the peace, or any magistrate having the powers of two justices of the peace under the provisions of the *Criminal Code* relating to summary convictions.

R.S., c. 36.

Time for complaint.

**22.** Section eleven hundred and forty-two of the *Criminal Code* shall not apply to any proceedings in respect of any offence under this Act.

REPEAL.

Repeal.

**23.** The *Live Stock Pedigree Act*, chapter one hundred and twenty-one of the Revised Statutes of Canada, 1927, is repealed.

## SCHEDULE.

### FORM A.

APPLICATION FOR INCORPORATION.

We, the undersigned [*set out the names in full, places of residence and occupations*] hereby apply for incorporation as an association under "The Live Stock Pedigree Act."

The name of the association is to be, [*name of association*].

The objects for which the association is to be formed are:—

1. To keep a record of the pedigrees of pure bred [*name of breed and species of animals*].

Section **19.** This section is new.

There are and have been certain organizations in Canada using these terms with apparent intent to deceive the public.

Section **20.** This is the same as section 20 of the Act.

Section **21.** This is the same as section 21 of the Act.

Section **22.** Section 1142 of the Code reads as follows:—

"**1142.** In the case of any offence punishable on summary conviction, if no time is specially limited for making any complaint, or laying any information, in the Act or law relating to the particular case, the complaint shall be made, or the information laid, within six months from the time when the matter of the complaint or information arose, except in the Northwest Territories and the Yukon Territory, in all which Territories the time within which such complaint may be made or such information laid shall be twelve months from the time when the matter of the complaint or information arose."

The necessity for section 22 is that in many cases several years may elapse before discovery is made that there has been a violation of section 19 of the Act.

2. The objects set out in the constitution and by-laws accompanying this application.

[*If any special powers are asked, set them out clearly in the objects in the constitution*].

The names, in full, places of residence and occupations of the officers of the association are:—[*Set out in full, no initials*].

The constitution, by-laws and rules of the association are as follows:—[*Set out in full*].

Dated at.....this.....day of..... 19....

WITNESS

[*Signatures of witnesses.*] [*Signatures of applicants.*]

*Affidavit.*

*Affidavit of Execution.*

I, [*name in full, place of residence and occupation*] make oath and say:—

1. That I know [*name of applicants in full*] named in the foregoing [*or* annexed] application.

2. That I was personally present and did see the said application, and duplicate thereof, executed by each of the said applicants.

3. That I am a subscribing witness to the said application and duplicate.

SWORN before me at.....
this.....day of.....19..

.....
[*Signature of witness.*]

.....

A notary public, [*or* a commissioner, etc.]

[*Note.—If all the applicants do not sign before the one witness, insert in the affidavit the names only of those whom the witness saw sign, and so on for each witness.*]

FORM B.

CERTIFICATE.

By virtue of the power vested in me by "The Live Stock Pedigree Act," I certify that the within application and the constitution, by-laws and rules incorporated therein, are hereby approved this.....day of.....19....

.....

Minister of Agriculture.

Third Session, Seventeenth Parliament, 22-23 George V, 1932

THE HOUSE OF COMMONS OF CANADA.

# BILL 74.

An Act to amend the Canada Shipping Act (Coasting Trade).

First reading, May 6, 1932.

The MINISTER OF MARINE.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
45828 1932

3rd Session, 17th Parliament, 22-23 Geo. V, 1932

THE HOUSE OF COMMONS OF CANADA.

# BILL 74.

An Act to amend the Canada Shipping Act (Coasting Trade).

R.S., c. 186.

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada enacts as follows:—

Definition.

**1.** Paragraph *(b)* of section nine hundred and thirty-two of the *Canada Shipping Act*, chapter one hundred and eighty-six, of the Revised Statutes of Canada, 1927, is hereby repealed, and the following substituted therefor:—

"Coasting trade of Canada."

"*(b)* 'the coasting trade of Canada' includes—

(i) the transportation by water of goods or passengers from one port or place in Canada to another port or place in Canada, and

(ii) the transportation by water or by land and water of goods or passengers from one port or place on the inland waters of Canada as defined in Part II of the *Canada Shipping Act* to another or the same port or place on the said inland waters of Canada, whether or not such transportation is direct or via a foreign port outside of Canada and includes as well any part of such transportation." [(ii) new.]

Definition.

**2.** Section nine hundred and thirty-two of the said Act is further amended by adding thereto the following paragraph:—

"Foreign controlled company."

"*(c)* 'foreign controlled company' means any corporation—

(i) of which less than seventy-five per cent of the directors are British subjects; or,

(ii) of which less than seventy-five per cent of the issued capital stock is vested in British subjects free from any trust or fiduciary obligation in favour of any person not a British subject or in favour of a foreign controlled company; or,

EXPLANATORY NOTES.

**1.** Section 932 of the *Canada Shipping Act* at present reads as follows:—

"**932.** In this Part, unless the context otherwise requires,

*(a)* "British ships" means and includes all ships belonging wholly to persons qualified or entitled to be owners of British ships under the provisions of the *Merchant Shipping Act 1894*, or any other Act of the Parliament of Great Britain in that behalf in force for the time being;

*(b)* "the coasting trade of Canada" includes the *carriage* by water of goods or passengers from one port or place in Canada to another port or place in Canada."

The object of this proposed legislation is to bring the Canadian law with regard to the coasting trade of Canada on the Great Lakes up to the level of the American coasting law. Under the American law it would be illegal to carry American grain, say, from Chicago to Port Colborne, unload it, and carry it thence to another American port in British ships, for any part of the transportation, but, under Canadian law as it stands today, it is possible and it actually happens that a very considerable amount of Canadian grain is carried from Fort William and Port Arthur to Buffalo in American steamers and thence, after being reloaded into canal-size steamers, to Montreal, Sorel and Quebec and exported.

The change in section 932B is designed to prevent this and accordingly to benefit Canadian shipping on the Great Lakes as well as Canadian elevators.

**2.** Section 2 defines foreign controlled corporation. The definition is along the lines of somewhat similar provision in the American law.

(iii) of which more than twenty-five per cent of the voting power is in the hands of persons who are not British subjects, or who exercise their voting powers directly or indirectly on behalf of persons who are not British subjects; or,

(iv) which is controlled by any means whatever by persons who are not British subjects; or,

(v) which is managed by a foreign controlled company or of which the majority of the executive employees are appointed by a foreign controlled company; or,

(vi) which is not established in and subject to the laws of some part of His Majesty's Dominions and which has not its principal place of business therein." (New.)

Coasting trade.

**3.** Section nine hundred and thirty-five of the said Act is repealed and the following is substituted therefor:—

British ships alone to engage in coasting trade.

"**935.** (1) No ship other than a British ship shall engage in the coasting trade of Canada.

(2) Notwithstanding the provisions of this Act, a British ship shall not be entitled to engage in the coasting trade of Canada if the ship is owned by or for the benefit of a foreign controlled company or for the benefit of any person not qualified to be the owner of a British ship.

Penalty.

(3) If any ship engages in the coasting trade of Canada contrary to the provisions of this part, the ship shall be liable to a penalty in respect of the goods so transported of fifty cents per ton of her register tonnage or of five hundred dollars, which ever is the greater, and a penalty in respect of the passengers so transported of two hundred dllars for each passenger or of five hundred dollars, whichever is the greater.

Forfeiture.

(4) Any goods so transported shall be forfeited as being smuggled goods.

Ship may be detained.

(5) The collector of customs at any port or place in Canada may, if he suspects that an offence against this part has been committed detain the ship until the penalty has been paid and until the goods transported contrary to the provisions of this part have been delivered up to be dealt with as goods forfeited hereunder." (New.)

**3.** Section 935 at present reads as follows:—

"**935.** No goods or passengers shall be carried by water, from one port of Canada to another, except in British ships.

2. If any goods or passengers are so carried, contrary to this Part, the master of the ship or vessel so carrying them shall incur a penalty of four hundred dollars; and any goods so carried shall be forfeited, as smuggled.

3. Such ship or vessel may be detained by the collector of Customs at any port or place to which such goods or passengers are brought, until such penalty is paid, or security for the payment thereof given to his satisfaction, and until such goods are delivered up to him, to be dealt with as goods forfeited under the provisions of the *Customs Act*."

This amendment is designed to procure that in the case of a British ship owned by a corporation, 75% of the stock must be owned by British subjects to entitle the ship to engage in the coasting trade of Canada. As the law stands at present, a corporation is entitled to own a British ship if it is incorporated under British law and has its principal place of business in His Majesty's Dominions. There is no restriction on the ownership of the stock in the company and the practice has consequently grown up of incorporating a company for the purpose of owning British ships while the company is in fact managed and controlled by foreigners.

(iii) of which more than twenty-five per cent of the voting power is in the hands of persons who are not British subjects, or who exercise their voting powers directly or indirectly on behalf of persons who are not British subjects; or,

(iv) which is controlled by any means whatever by persons who are not British subjects; or,

(v) which is managed by a foreign controlled company or of which the majority of the executive employees are appointed by a foreign controlled company; or,

(vi) which is not established in and subject to the laws of some part of His Majesty's Dominions and which has not its principal place of business therein." (New.)

Third Session, Seventeenth Parliament, 22-23 George V, 1932

THE HOUSE OF COMMONS OF CANADA

# BILL 82.

An Act for granting to His Majesty certain sums of money for the public service of the financial year ending the 31st March, 1933.

AS PASSED BY THE HOUSE OF COMMONS, 11th MAY, 1932.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
46840 1932

3rd Session, 17th Parliament, 22-23 Geo. V, 1932

THE HOUSE OF COMMONS OF CANADA.

# BILL 82.

An Act for granting to His Majesty certain sums of money for the public service of the financial year ending the 31st March, 1933.

MOST GRACIOUS SOVEREIGN,

Preamble.

WHEREAS it appears by messages from His Excellency the Right Honourable the Earl of Bessborough, etc., etc., Governor General of Canada, and the estimates accompanying the said messages, that the sums hereinafter mentioned are required to defray certain expenses of the public service of Canada, not otherwise provided for, for the financial year ending the thirty-first day of March, one thousand nine hundred and thirty-three, and for other purposes connected with the public service: May it therefore please Your Majesty, that it may be enacted and be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, that:—

Short title.

**1.** This Act may be cited as *The Appropriation Act, No. 3, 1932.*

$16,554,359.42 granted for 1932-33.

**2.** From and out of the Consolidated Revenue Fund there may be paid and applied a sum not exceeding in the whole sixteen million, five hundred and fifty-four thousand, three hundred and fifty-nine dollars and forty-two cents towards defraying the several charges and expenses of the public service, from the first day of April, one thousand nine hundred and thirty-two, to the thirty-first day of March, one thousand nine hundred and thirty-three, not otherwise provided for, and being one-twelfth of the amount of each of the several items to be voted, set forth in the Estimates for the fiscal year ending the thirty-first day of March, one thousand nine hundred and thirty-three, as laid before the House of Commons at the present session of Parliament.

$1,688,000.00 granted for 1932-33 on certain items.

**3.** From and out of the Consolidated Revenue Fund there may be paid and applied a sum not exceeding in the whole one million, six hundred and eighty-eight thousand dollars towards defraying the several charges and expenses of the public service, from the first day of April, one thousand nine hundred and thirty-two, to the thirty-first day of March, one thousand nine hundred and thirty-three, not otherwise provided for, and being one-sixth of the amount of each of the several items to be voted set forth in the Schedule to this Act.

Account to be rendered in detail.

**4.** A detailed account of the sums expended under the authority of this Act shall be laid before the House of Commons of Canada during the first fifteen days of the then next session of Parliament.

# SCHEDULE.

Based on Estimates, 1932-33. The amount hereby granted is $1,688,000.00, being one-sixth of the amount of each item in the said Estimates as contained in this Schedule.

SUMS granted to His Majesty by this Act for the financial year ending 31st March, 1933, and the purposes for which they are granted.

| No. of Vote | Service | Amount | Total |
|---|---|---|---|
| | CANADIAN NATIONAL STEAMSHIPS AND MARITIME FREIGHT RATES ACT | $ cts. | $ cts |
| | LOAN TO CANADIAN GOVERNMENT MERCHANT MARINE, LTD. | | |
| 314 | Loan to the Canadian National Steamships (Canadian Government Merchant Marine, Limited), repayable on demand with interest at a rate to be fixed by the Governor in Council upon such terms and conditions as the Governor in Council may determine, and to be applied in payment of:— Deficits in operation of the Company and of the vessels under the Company's control during the year ending December 31st, 1932 | 440,000 00 | |
| | LOAN TO CANADIAN NATIONAL (WEST INDIES) STEAMSHIPS, LTD | | |
| 315 | Loan to the Canadian National (West Indies) Steamships, Limited, repayable on demand with interest at a rate to be fixed by the Governor in Council, upon such terms and conditions as the Governor in Council may determine, and to be applied in payment of:— Deficits in operation of the Company and of the vessels under the Company's control, during the year ending December 31st, 1932, and Interest Requirements.... | 820,600 00 | 1,260,600 00 |
| | MARITIME FREIGHT RATES ACT | | |
| 316 | Amount required to provide for payment from time to time during the fiscal year 1932-33 of the difference, estimated by the Board of Railway Commissioners and certified by the said Board to the Minister of Railways and Canals, as and when required by him, occurring on account of the application of the Maritime Freight Rates Act, between the tariff tolls and the normal tolls (referred to in Section 9 of the said Act) on all traffic moved during 1932, under the tariffs, approved by the following companies:— Canada & Gulf Terminal Railway. Canadian Pacific Railway including: Fredericton & Grand Lake Coal and Railway Co. New Brunswick Coal and Railway Company. Cumberland Railway and Coal Co. Dominion Atlantic Railway. Maritime Coal Railway & Power Co. Sydney & Louisburg Railway. Temiscouata Railway | 900,000 00 | |
| 317 | Amount required to provide for the payment from time to time to the Canadian National Railway Company of the deficit in receipts and revenues, occurring in the year 1932, of the Eastern Lines, as provided by the Maritime Freight Rates Act:— *(a)* Amount of the deficit (less that amount thereof as in the next following paragraph specifically provided for) in the receipts and revenues | 6,217 400 00 | |
| | *(b)* Amount of the deficit in receipts and revenues occurring on account of the reduction in tolls under the application of the Maritime Freight Rates Act..... | 1,750,000 00 | 8,867,400 00 |
| | Total..... | ..... | 10,128 000 00 |

# SCHEDULE.

Based on Estimates, 1932-33. The amount hereby granted is $1,688,000.00, being one-sixth of the amount of each item in the said Estimates as contained in this Schedule.

Sums granted to His Majesty by this Act for the financial year ending 31st March, 1933, and the purposes for which they are granted.

| No. of Vote | Service | Amount | Total |
|---|---|---|---|
| | | $ cts. | $ cts. |
| | CANADIAN NATIONAL STEAMSHIPS AND MARITIME FREIGHT RATES ACT | | |
| | LOAN TO CANADIAN GOVERNMENT MERCHANT MARINE, LTD. | | |
| 314 | Loan to the Canadian National Steamships (Canadian Government Merchant Marine, Limited), repayable on demand with interest at a rate to be fixed by the Governor in Council upon such terms and conditions as the Governor in Council may determine, and to be applied in payment of:— Deficits in operation of the Company and of the vessels under the Company's control during the year ending December 31st, 1933 | 440,000.00 | |
| | LOAN TO CANADIAN NATIONAL (WEST INDIES) STEAMSHIPS, LTD. | | |
| 315 | Loan to the Canadian National (West Indies) Steamships, Limited, repayable on demand with interest at a rate to be fixed by the Governor in Council, upon such terms and conditions as the Governor in Council may determine, and to be applied in payment of:— Deficits in operation of the Company and of the vessels under the Company's control, during the year ending December 31st, 1932, and Interest Requirements | 820,000.00 | 1,260,000.00 |
| | MARITIME FREIGHT RATES ACT | | |
| 316 | Amount required to provide for payment from time to time during the fiscal year 1932-33 of the differences, estimated by the Board of Railway Commissioners and certified by the said Board to the Minister of Railways and Canals, as and when required by him, occurring on account of the application of the Maritime Freight Rates Act, between the tariff tolls and the normal tolls (referred to in Section 9 of the said Act) on all traffic moved during 1933, under the tariffs, approved by the following companies:— Canada & Gulf Terminal Railway. Canadian Pacific Railway including: Fredericton & Grand Lake Coal and Railway Co. New Brunswick Coal and Railway Company. Cumberland Railway and Coal Co. Dominion Atlantic Railway. Maritime Coal Railway & Power Co. Sydney & Louisburg Railway. Temiscouata Railway | 900,000.00 | |
| 317 | Amount required to provide for the payment from time to time to the Canadian National Railway Company of the deficit in receipts and revenues, occurring in the year 1933, of the Eastern Lines, as provided by the Maritime Freight Rates Act:— (a) Amount of the deficit (less that amount thereof as in the next following paragraph specifically provided for) in the receipts and revenues | 5,317,400.00 | |
| | (b) Amount of the deficit in receipts and revenues occurring on account of the reduction in tolls under the application of the Maritime Freight Rates Act | 1,750,000.00 | 8,867,400.00 |
| | Total | | 10,193,000.00 |

Third Session, Seventeenth Parliament, 22-23 George V, 1932

THE HOUSE OF COMMONS OF CANADA.

# BILL 91.

An Act to amend the Judges Act

First reading, May 12, 1932.

The MINISTER OF JUSTICE

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
46564 1932

3rd Session, 17th Parliament, 22-23 Geo. V, 1932

THE HOUSE OF COMMONS OF CANADA

# BILL 91.

An Act to amend the Judges Act

R.S., c. 105; 1930, c. 27; 1931, c. 37.

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

**1.** Subsection five of section thirty-one of the *Judges Act*, chapter one hundred and five of the Revised Statutes of Canada, 1927, is repealed and the following is substituted therefor:—

Removal of judges of Circuit Court, district of Montreal.

"(5) The provisions of this section shall apply and extend to the several judges of the Circuit Court of the district of Montreal in the same way that they apply and extend to a judge of a County Court."

Retroactive effect.

**2.** This Act shall be deemed to have come into force and to have had effect as law on, from and after the first day of February, 1928.

EXPLANATORY NOTES.

**1.** This amendment is rendered necessary by reason of an error which occurred in the revision of 1927.

By subsections 2, 3, 4 and 5, section 28, of the Judges Act, as it appeared in the 1906 revision (Chapter 138), provision was made for the removal of County Court judges. By section 4 of chapter 31 of the statutes of 1917 it was provided as follows:—

> "The provisions of subsections two, three, four and five of section twenty-eight of the said Act shall apply and extend to the several judges of the Circuit Court of the district of Montreal in the same way that they apply and extend to a judge of a County Court."

In the revision of 1927 the section just quoted was incorporated as subsection 5 of section 31 of the Judges Act, chapter 105, but the Commissioners omitted to make the necessary changes in the numbers of the subsections to fit in with the revised section, so that in the result the amendment of 1917 has been rendered nugatory. This Bill is intended to remedy this mistake.

**2.** This section is made to conform to the provisions of the proclamation published at page XV of the first volume of the Revised Statutes of Canada, 1927, by which the said Revised Statutes were brought into force.

Third Session, Seventeenth Parliament, 22-23 George V, 1932

THE HOUSE OF COMMONS OF CANADA.

# BILL 92.

An Act to amend the Income War Tax Act.

First reading, May 16, 1932.

The MINISTER OF FINANCE.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
46958 1932

3rd Session, 17th Parliament, 22-23 Geo. V, 1932

THE HOUSE OF COMMONS OF CANADA.

# BILL 92.

An Act to amend the Income War Tax Act.

R.S., c. 97; 1928, cc. 12, 30; 1930, c. 24; 1931, c. 35.

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

**1.** The *Income War Tax Act*, chapter ninety-seven of the Revised Statutes of Canada, 1927, is amended by inserting immediately after section nine thereof the following section:—

Special income tax on certain salaries.

"**9A.** (1) Notwithstanding anything contained in this Act or in any other statute or law, the members of the judiciary and the members of the military, naval and air forces of Canada and of the Royal Canadian Mounted Police, other than enlisted men, shall be liable to pay a special income tax of ten per centum upon the salaries paid to them by the Dominion of Canada.

Payable on salaries for 1932-33.

(2) The special tax imposed hereby shall apply only to the said salaries received during or in respect of the fiscal year commencing April first, 1932, and ending March thirty-first, 1933, and shall be payable by the tax-payer in eleven equal monthly instalments on the last day of each month, commencing in May, 1932.

Interest on default.

(3) In case default is made in the payment of any instalment, the tax-payer shall thereafter be liable to pay interest at the rate of six per centum per annum upon such instalment to the time payment is made.

Special tax additional.

(4) The special tax imposed hereby shall be in addition to any other tax payable under this Act.

Deductions.

(5) Every payment made on account of the said special tax shall be deductible from income of the year in which the payment is made, for the purpose of determining income liable to income tax other than the special tax imposed by this section."

Third Session, Seventeenth Parliament, 22-23 George V, 1932

THE HOUSE OF COMMONS OF CANADA.

# BILL 94.

An Act respecting Radio Broadcasting.

First reading, May 16, 1932.

THE PRIME MINISTER.

OTTAWA
F. A ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
47086 1932

3rd Session, 17th Parliament, 22-23 Geo. V, 1932

THE HOUSE OF COMMONS OF CANADA

# BILL 94.

An Act respecting Radio Broadcasting.

HIS Majesty, by and with the advice and consent of the Senate and House of Commons, enacts as follows:—

Short title.

**1.** This Act may be cited as *The Canadian Radio Broadcasting Act, 1932.*

Definitions.

**2.** In this Act, unless the context otherwise requires,

"Broadcasting."

*(a)* "broadcasting" means the dissemination of radioelectric communications intended to be received by the public, either directly or through the medium of relay stations;

"Channel."

*(b)* "channel" means a wave length or frequency in the broadcast band authorized to be used for broadcasting;

"Commission."

*(c)* "Commission" means the Canadian Radio Broadcasting Commission;

"Local program."

*(d)* "local programme" means a programme organized for the purpose of local broadcast;

"Minister."

*(e)* "Minister" means the Minister of Marine;

"National program."

*(f)* "national programme" means a programme organized by the Commission for the purpose of general broadcast in Canada;

"Private station."

*(g)* "private station" means any station licensed to a person other than the Commission;

"Radio."

*(h)* "radio" means and includes radiotelegraph, radiotelephone and any other form of radioelectric communication including the wireless transmission of writing, signs, signals, pictures, and sounds of all kinds by means of Hertzian waves;

"Station."

*(i)* "station" means a station licensed under the *Radiotelegraph Act* and regulations as a private commercial broadcasting station or as an amateur broadcasting station.

## Explanatory Notes.

The object of this Bill is to provide for the establishment of a Commission with the necessary powers to carry on the business of Broadcasting in Canada, and also for the purpose of regulating and controlling Radio Broadcasting by other agencies.

THE COMMISSION.

Canadian Radio Broadcasting Commission.

**3.** (1) A commission to be known as the Canadian Radio Broadcasting Commission is hereby constituted and shall consist of a chairman, a vice-chairman and a third commissioner who shall be appointed by the Governor in Council and who shall hold office for periods of ten, nine and eight years respectively.

Salaries of Commissioners.

(2) The Chief Commissioner shall be paid an annual salary of $..... and each of the other commissioners an annual salary of $ .....

Quorum.

(3) Two members of the Commission shall constitute a quorum.

Majority to govern.

(4) In any proceedings of the Commission the votes of the majority shall govern, but in case there are only two members present the chairman or vice-chairman may cast an additional vote.

Headquarters.

(5) The headquarters of the Commission shall be at Ottawa and the Commission may establish branch offices elsewhere.

Officers and employees.

**4.** The Commission may employ such technical, professional and other officers, and clerks and employees as may be necessary. Such officers, clerks and employees shall be appointed pursuant to the *Civil Service Act*.

R.S., c. 22.

The Commission to be a body corporate.

**5.** (1) The Commission shall be a body corporate having capacity to contract and to sue and be sued in the name of the Commission.

Real and personal property.

(2) The Commission shall have power, for the purposes of this Act, to acquire, hold and dispose of real and personal property.

Provided, however, that the Commission shall not dispose of any real property without the approval of the Governor in Council.

Banking arrangements.

(3) The Commission shall have power to enter into all ordinary commercial banking arrangements on its own credit but shall not be entitled to borrow either on its own credit or otherwise by issuing debentures or any other type of long term securities.

ASSISTANT COMMISSIONERS.

Assistant Commissioners.

**6.** (1) The Governor in Council may appoint not more than nine Assistant Commissioners who shall hold office during pleasure, and who shall not receive any salary but may be paid an annual amount by way of honorarium, to be fixed by the Governor in Council. There shall not be more than one Assistant Commissioner appointed in any province and the appointment shall be made after consultation with the Government of the province in which the Assistant Commissioner resides.

**3, 4, 5.** The Commission of three is established as an independent corporation and is given corporate status generally. The Bill leaves the control of national programmes to the Commission, without any limitation, other than a minor restriction relating to advertising content. On the financial side, however, the Commission is subject to Parliamentary control of finance and to audit by the Auditor General. Its general position is that of a Parliamentary Commission without borrowing powers and dependent in all financial matters upon Parliament, which must provide its moneys in the estimates from year to year and which must specifically authorize all substantial capital expenditures. Additional Parliamentary control is insured by the requirement for an annual report. The Commission is not part of any existing Government department, but reports directly to the Minister of Marine.

**6.** The Bill provides for the appointment of an Assistant Commissioner and for the organization of Advisory Committees in each province. The project in this respect is dependent largely upon voluntary public service. The function of the Assistant Commissioners and Advisory Committees relates to the local programmes which are thus placed under a direct local and provincial control.

Duty of assistant commissioner.

(2) It shall be the duty of the Assistant Commissioner to organize and to act as chairman of provincial or local advisory committees, and, at the request of any private station, to organize an Advisory Committee or Sub-Committee, for the purpose of co-operation with such station.

Advisory committee.

(3) The members of the advisory committee shall act without remuneration and shall be selected by the Assistant Commissioner after consultation with the Government of the Province so as to represent the respective provincial or local communities.

GENERAL COUNCIL.

General Council.

**7.** (1) The Commission shall from time to time convene meetings of a General Council which shall consist of the Commissioners and the Assistant Commissioners, and which may include representatives of the local advisory committees and of private stations.

Functions.

(2) The functions of the General Council shall be to advise with regard to the general policy of the Commission, including the general composition, character and co-ordination of national and local programmes, the apportionment of time and any other matters which the Commission or the Minister may refer to the General Council.

POWERS OF THE COMMISSION.

Powers of the Commission.

**8.** The Commission shall, notwithstanding anything contained in the *Radiotelegraph Act*, chapter one hundred and ninety-five of the Revised Statutes of Canada, 1927, and in the regulations made thereunder, but subject to the power of the Minister to license stations, have power to regulate and control broadcasting in Canada carried on by any person whatever, including His Majesty in the right of the province or of the Dominion, and without restricting the generality of the foregoing, these powers shall extend to the following matters:

*(a)* The Commission shall determine the number, location and power of stations required in Canada;

*(b)* the Commission shall determine the proportion of time that is to be devoted by any station to national and local programmes respectively and the proportion of advertising that is to be authorized, which shall not unless by permission of the Commission, exceed five per cent of any programme period, and may prescribe the character of such advertising;

*(c)* the Commission may make recommendations to the Minister with regard to the issue, suspension or cancellation of private broadcasting licences, and notwithstanding anything contained in the *Radiotelegraph Act* or regulations, the Minister may issue, suspend or cancel such licences;

R.S., c. 195.

**7.** This section provides for a General Council. The powers of the Commission are concentrated in the three Commissioners so as to enable the Commission to function expeditiously and effectively.

This section provides for the summoning from time to time of a General Council, to enable the national and local programmes to be co-ordinated, to bring the Commissioners into contact with local conditions, and to enable the local and provincial interests to have a voice in the determination of the general policy.

**8.** This section deals with the powers of the Commission relating to the regulation and control of broadcasting, both by its own stations and by privately operated stations. The powers correspond to those recommended by the Committee. It should be noted that there is included a power with the consent of the Governor in Council to encourage the establishment of small local stations. The primary object of the Bill is to ensure that there should be adequate broadcasting to all parts of Canada, irrespective of the density of population. This section will enable the Commission to foster the establishment of small stations with local coverage at points that cannot otherwise be reached.

*(d)* notwithstanding anything contained in the *Radiotelegraph Act* or regulations, or in any licence heretofore issued thereunder, the Commission shall have power to allot channels to be used by stations in Canada and may cancel any allotment and substitute any other therefor;

*(e)* the Commission may prescribe the periods to be reserved periodically by any station for national programmes;

*(f)* the Commission may prohibit the organization or operation of chains of privately operated stations in Canada;

*(g)* the Commission may, subject to the approval of the Minister, assist and encourage the construction of small private stations.

BROADCASTING BY THE COMMISSION.

Additional powers of Commission.

**9.** The Commission shall have power to carry on the business of broadcasting in Canada and, without restricting the generality of the foregoing, may:

*(a)* make operating agreements with private stations for the broadcasting of national programmes;

*(b)* acquire existing private stations either by lease or, subject to the approval of Parliament, by purchase;

*(c)* subject to the approval of Parliament, construct such new stations as may be required;

*(d)* operate any station constructed or acquired under the provisions of paragraphs *(b)* and *(c)* of this section; provided that the time allotted to local programmes by the Commission in respect to any such station shall be subject to the management of the station director, or other officer in charge of such station, who shall, in respect to the local programme, act in consultation with and in accordance with the policy formulated by the local Advisory Committee, or Sub-Committee thereof assigned to such station;

*(e)* originate programmes and secure programmes from within or outside Canada, by purchase or exchange, and make the arrangements necessary for their transmission;

*(f)* make contracts with any person (or persons) in Canada or outside for the purpose of securing artists to perform in connection with programmes originated by the Commission;

**9.** This section provides the powers necessary for carrying on the business of broadcasting in Canada. It follows closely the provisions of the report of the Committee, and it may be observed that there is very close Parliamentary control over all matters that would involve substantial expenditures.

*(g)* subject to the approval of Parliament, take over all broadcasting in Canada;

*(h)* do any other thing reasonably necessary for the performance of its functions and powers hereunder.

By-laws and regulations.

**10.** The Commission may, with the approval of the Governor in Council, make by-laws or regulations respecting any of the matters mentioned in the last two preceding sections and generally for the fulfilment of the purposes of the Commission.

EXPROPRIATION AND COMPENSATION.

Expropriation.

**11.** (1) If the Commission is unable to agree with the owner of any property, which it is authorized to acquire, as to the price to be paid therefor, the Commission shall have the right to acquire the same without the consent of the owner and the provisions of the *Expropriation Act*, chapter sixty-four of the Revised Statutes of Canada, 1927, shall, *mutatis mutandis*, be applicable to the acquisition of such property by the Commission.

R.S., c. 64.

Plans and descriptions.

(2) Any plan and description deposited under the provisions of the *Expropriation Act* may be signed by the Chairman of the Commission or by one of the Commissioners on behalf of the Commission, and the property shown and described in such plan and description so deposited shall thereupon be and become vested in the Commission unless the plan and description indicates that the property taken is required for a limited time only, or that a limited estate or interest therein is taken; and by the deposit in such latter case, the right of possession for such limited time or such limited estate or interest shall be and become vested in the Commission.

Compensation.

**12.** The compensation payable in respect of the taking of any property so vested in the Commission or of any interest therein or of lands injuriously affected by the construction of the undertakings or works shall be ascertained in accordance with the provisions of the *Expropriation Act*, and for that purpose the Attorney-General of Canada may file an information in the Exchequer Court on behalf of the Commission to all intents and purposes as if such property had been expropriated by and vested in His Majesty under the provisions of the said Act. The amount of any judgment upon such proceedings shall be payable exclusively out of the funds of the Commission.

R.S., c. 64.

No allowance for licence, and no proprietary right in channel.

**13.** (1) In determining the compensation to be paid no allowance shall be made for the value of a licence terminated by the taking of any private station and no person shall be deemed to have any proprietary right in any

**11, 12, 13.** These sections provide for the expropriation of property that may be necessary for the purpose of the Commission, and for compensation to private stations when their licences are cancelled in certain circumstances.

channel heretofore or hereafter allotted, and no person shall be entitled to any compensation by reason of the cancellation of the allotment of a channel or by reason of the allotment of a new channel in substitution therefor.

Cancellation of licence.

(2) If the Commission recommends the concellation of or refusal to renew any licence in the interest of broadcasting generally in Canada and certifies that such cancellation or refusal is not on account of any failure to comply with this Act or the *Radiotelegraph Act* or regulations thereunder, compensation may be paid to the extent of the depreciated value of radio equipment, together with an allowance for the cost of restoring the premises to a tenantable condition for ordinary purposes.

R.S., c. 195.

EXPENDITURE OF THE COMMISSION.

Expenditure of moneys.

**14.** (1) The Commission may expend for the purposes of this Act the moneys appropriated by Parliament for such purposes.

Limitation of appropriation.

(2) Parliament shall not appropriate for such purposes any sum in excess of the estimated revenue from receiving licences, private commercial broadcasting licences and amateur broadcasting licences and from the business of the Commission under this Act.

Provided that if at the end of any fiscal year there is a balance of appropriated moneys unexpended or if the revenue from the sources mentioned in the preceding subsection exceeds the amount appropriated, Parliament may appropriate any such balance or excess in addition to any appropriation permitted hereunder.

Moneys appropriated to be paid into a chartered bank.

(3) The Minister of Finance shall from time to time pay into a chartered bank to the credit of the Commission moneys appropriated by Parliament for the purposes of the Commission.

Revenue to be paid into bank.

**15.** All revenue received by the Commission arising out of its business under this Act shall be paid into a chartered bank to the credit of the Receiver General of Canada.

Audit.

**16.** All expenditures by the Commission shall be subject to the audit of the Auditor General in the same manner as other public moneys.

Annual report.

**17.** The Commission shall, through the Minister, submit an annual report to Parliament in such form as the Minister may prescribe.

**14, 15, 16.** These sections provide for the financing of the Commission. All earnings of the Commission, such as revenues and advertising are credited to the Receiver General and the Commission is absolutely dependent upon annual estimates voted by Parliament, and limited to licence fees and the earnings of the Commission.

Commissioners to devote whole time and to have no pecuniary interest, etc.

**18.** Each Commissioner shall devote the whole of his time to the performance of his duties under this Act and shall not accept or hold any other office or employment or have any pecuniary interest, direct or indirect, individually or as a shareholder or partner or otherwise, in broadcasting or in the manufacture or distribution of radio apparatus.

As to Assistant Commissioners.

**19.** Each Assistant Commissioner shall devote such time as may be necessary to the performance of his duties under this Act and shall not accept or hold any office or employment, other than that of a provincial or regional director or station director, or be interested either directly or indirectly, individually or as a shareholder or partner or otherwise, in broadcasting or in the manufacture or distribution of radio apparatus.

Oath of office.

**20.** Each Commissioner, Assistant Commissioner and Provincial Director shall, before acting as such, take and subscribe before a Superior or County Court judge, and cause to be filed with the Minister, an oath of office in the following form:

"I Do SOLEMNLY SWEAR that I will faithfully, truly and impartially, to the best of my judgment, skill and ability, execute and perform the office of Chief Commissioner (or as the case may be) of the Canadian Radio Broadcasting Commission, and that, while I continue to hold such office, I will not accept or hold any other office or employment or be interested, either directly or indirectly, in my personal capacity or as a shareholder in any company or partner in any firm or otherwise, in any commercial dealing in relation to radio broadcasting or in the manufacture or distribution of sending or receiving sets or other radio equipment."

Offences and penalties.

**21.** Every person who commits a breach of any provision of this Act or of any regulation made thereunder shall be guilty of an offence punishable on summary conviction by a fine not exceeding.....dollars or by imprisonment for a period not exceeding.....or by both fine and imprisonment.

**18, 19, 20.** These sections provide that the Commissioners must devote the whole of their time to the performance of their duties and that the Commissioners and Assistant Commissioners must have no commercial interest in radio. They also provide a form of oath.

Third Session, Seventeenth Parliament, 22-23 George V, 1932

THE HOUSE OF COMMONS OF CANADA.

# BILL 95.

An Act to amend the Customs Tariff.

First reading, May 17, 1932.

THE MINISTER OF FINANCE.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
45049 1932

3rd Session, 17th Parliament, 22-23 Geo. V, 1932

THE HOUSE OF COMMONS OF CANADA.

# BILL 95.

An Act to amend the Customs Tariff.

R.S., c. 44; 1928, c. 17; 1929, c. 39; 1930 (1st Sess.), c. 13; 1930 (2nd Sess.), c. 3; 1931, c. 30.

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Schedule A amended.

**1.** Schedule A to the *Customs Tariff*, chapter forty-four of the Revised Statutes of Canada, 1927, as amended by chapter seventeen of the Acts of 1928, chapter thirty-nine of the Acts of 1929, chapter thirteen of the Acts of 1930 (first session), chapter three of the Acts of 1930 (second session) and chapter thirty of the Acts of 1931, is further amended by striking thereout tariff item 409q, the several enumerations of goods, respectively, and the several rates of duties of customs, if any, set opposite thereto, and by inserting the following item, enumerations and rates of duty in said Schedule A:—

| Tariff Item | — | British Preferential Tariff | Intermediate Tariff | General Tariff |
|---|---|---|---|---|
| 409q | Complete parts for repairs, if imported on or before the thirty-first day of March, 1933, under regulations prescribed by the Minister:— | | | |
| | (i) For the implements or machinery enumerated in tariff items 409c, 409e, 409f, 409g, 409j, 409o, 409p and 439c.... | Free | 10 p.c. | 10 p.c. |
| | (ii) For the implements or machinery enumerated in tariff item 409b..... | Free | 7½ p.c. | 7½ p.c. |
| | (iii) For ths implements or machinery enumerated in tariff item 409d..... | Free | 6 p.c. | 6 p.c. |
| | (iv) For the implements or machinery enumerated in tariff items 409h and 409n..... | Free | 10 p.c. | 15 p.c. |
| | (v) For tbe implements or machinery enumerated in tariff item 409k..... | Free | 17½ p.c. | 17½ p.c. |

When section 1 comes into force.

**2.** Section one of this Act shall be deemed to have come into force on the seventh day of April, one thousand nine hundred and thirty-two, and to have applied to all goods mentioned in the said section imported or taken out of warehouse for consumption on and after that date, and to have applied to goods previously imported for consumption for which no entry for consumption was made before that date.

Schedule A further amended.

**3.** Schedule A to the *Customs Tariff*, amended as hereinbefore provided, is further amended by striking thereout tariff items 549 and 599, the several enumerations of goods, respectively, and the several rates of duties of customs, if any, set opposite thereto, and by inserting the following items, enumerations and rates of duty in said Schedule A:—

| Tariff Item | — | British Preferential Tariff | Intermediate Tariff | General Tariff |
|---|---|---|---|---|
| 549 | Wool, the hair of the camel, alpaca, goat or other like animal, not further prepared than combed....per pound<br>Provided that importations under this Item, wholly the product of any British country, when imported direct from the United Kingdom into a sea, lake or river port of Canada, shall be entitled to the benefits of the British Preferential Tariff. | Free | 10 cts. | 15 cts. |
| 599 | Hides and skins, raw, whether dry, salted or pickled; and raw pelts....<br>Provided, that importations under this Item, wholly the product of any British country, when imported direct from the United Kingdom into a sea, lake or river port of Canada, shall be entitled to the benefits of the British Preferential Tariff. | Free. | 10 p.c. | 15 p.c. |

When section 3 comes into force.

**4.** Section three of this Act shall come into force on the date on which *The New Zealand Trade Agreement Act, 1932*, comes into force, and shall be deemed to apply to all goods mentioned in the said section imported or taken out of warehouse for consumption on and after that date, and to have applied to goods previously imported for consumption for which no entry for consumption was made before that date.

Third Session, Seventeenth Parliament, 22-23 George V, 1932

THE HOUSE OF COMMONS OF CANADA.

# BILL 96.

An Act to amend the Income War Tax Act.

First reading, May 17, 1932.

The MINISTER OF FINANCE.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
46053 1932

3rd Session, 17th Parliament, 22-23 Geo. V, 1932

THE HOUSE OF COMMONS OF CANADA.

# BILL 96.

An Act to amend the Income War Tax Act.

R.S., c. 97; 1928, cc. 12, 30; 1930, c. 24; 1931, c. 35.

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

**1.** The first schedule of the *Income War Tax Act*, chapter ninety-seven of the Revised Statutes of Canada, 1927, as amended by section one of chapter twelve of the statutes of 1928, is further amended by striking out the following proviso:—

Twenty per centum reduction abolished.

"Provided, however, that the above mentioned rates shall, in each case, be reduced by twenty per centum thereof".

**2.** The first schedule of the said Act, as amended by section one of chapter thirty-five of the statutes of 1931, is further amended by striking out the words—

Company rate of tax increased.

*"Rate of tax applicable to corporations and joint stock companies,*

On the amount in excess of $2,000.....ten per centum."

and by inserting the words—

*"Rate of tax applicable to corporations and joint stock companies,*

On the amount in excess of $2,000.....eleven per centum."

**3.** The first schedule of the said Act is further amended by adding thereto the following:—

Additional rate of tax.

*"Additional rate of tax applicable to all persons including corporations and joint stock companies in receipt of income in excess of five thousand dollars:*

In respect of incomes in excess of five thousand dollars (excluding incomes exempt under section four).....five per centum of the amount of the tax as hereinbefore provided for."

Married persons exemption reduced.

**4.** Paragraph *(c)* of section five of the said Act is repealed and the following paragraph is substituted therefor:—

EXPLANATORY NOTES.

1. The first part of the first schedule of the Income War Tax shows the "Rates of Tax applicable to persons other than corporations and joint stock companies."

2. The second part of the first schedule which is amended by section two is the "rate of tax applicable to corporations and joint stock companies."
The rate of tax is increased from "ten per centum" to "eleven per centum".

4. Paragraph *(c)* of section five is amended by striking out the words "three thousand" and substituting therefor the underlined words "twenty-four hundred".

Married persons, etc.

"*(c)* Twenty-four hundred dollars in the case of a married person or householder or any other person who has dependent upon him any of the following persons:—

(i) A parent or grandparent.

(ii) A daughter or sister,

(iii) A son or brother under twenty-one years of age or incapable of self-support on account of mental or physical infirmity;"

Exemption reduced.

**5.** Paragraph *(d)* of section five of the said Act, and paragraph *(i)* of said section as enacted by section three of chapter twenty-four of the statutes of 1930, are repealed and the following are substituted therefor:—

"*(d)* Twelve hundred dollars in the case of other persons, and"

Dependent relatives.

"*(i)* for each parent, grandparent, brother or sister, incapable of self-support on account of mental or physical infirmity, who is dependent upon the tax-payer for support, a further exemption of five hundred dollars except in cases wherein exemption (whether of five hundred dollars or twelve hundred dollars) in respect of such persons is already provided for in the Act."

**6.** Paragraph *(k)* and the two paragraphs immediately following, of subsection one of section five of the said Act, as enacted by section three of chapter twenty-four of the statutes of 1930, are hereby repealed and the following substituted therefor:—

$1,200.00 of annuity exempt.

"*(k)* twelve hundred dollars only, being income derived from annuity contracts with the Dominion Government or like annuity contracts issued by any Provincial Government or any company incorporated or licensed to do business in Canada:

Provided that, in the case of a husband and wife each having annuity income, the exemption herein provided shall not exceed twelve hundred dollars between them in respect of such annuity income and the exemption may be taken by either the husband or the wife or apportioned between them by agreement or by the Minister;

And provided further that the income arising out of annuity contracts entered into prior to the coming into force of this paragraph *(k)* shall continue to be exempt as heretofore provided by section three of chapter twenty-four of the statutes of 1930;

And provided further that where a husband purchases an annuity for his wife or a wife for her husband, the income therefrom shall be taxed as income of the purchaser;

This section provides for reduction of the amount of exemption in the case of a married person or householder.

**5.** Paragraphs *(d)* and *(i)* of section five are amended by striking out the words "fifteen hundred" and substituting therefor the underlined words "twelve hundred."

This section provides for reduction of the amount of exemption in the case of persons other than married persons or householders.

**6.** Annuities of the magnitude of $5,000 made exempt by enactment of 1930 are, under present economic conditions, regarded as in excess of what should be allowed and out of line with the reduction of exemptions and the increasing of tax rates. Further, under the Dominion Government Annuities Act the annuity heretofore permitted was limited to $5,000. This has now been reduced to $1,200 and the amendment to the Income Tax Act brings the income legislation in conformity with the Dominion Government Annuities Act.

The paragraphs to be repealed read as follows:—

"*(k)* the income to the extent of five thousand dollars only derived from annuity contracts with the dominion or provincial governments or any company incorporated or licensed to do business in Canada effecting like annuity contracts, provided, however, that any annuity in excess of the said five thousand dollars purchased by a husband for his wife or *vice versa* shall be taxed as income to the purchaser.

In the case of a husband and wife each having an annuity the exemption herein provided for shall not exceed five thousand dollars between them in respect of such annuity income. The exemption may be taken by either the husband or the wife or apportioned between them.

Annuity income shall not be excluded for purposes of determining the exemptions provided for in subsection two of section five of the said Act."

And provided further that annuity income shall not be excluded for purposes of determining the exemptions provided for in subsection two of section five of the Act."

Husband and wife, separate income, reduced exemption.

**7.** Subsection two of section five of the said Act is repealed and the following is substituted therefor:—

"(2) Where a husband and wife have each a separate income in excess of twelve hundred dollars, each shall receive an exemption of twelve hundred dollars in lieu of the exemption set forth in paragraph *(c)* of the immediately preceding subsection."

**8.** (1) Section twenty-two of the said Act, as amended by section five of chapter twenty-four of the statutes of 1930, is hereby repealed:

Family corporation abolished.

Provided, however, that the shareholders of a family corporation may elect that the income of the corporation for fiscal periods ending in the calendar years 1931 and 1932 be dealt with as provided for in the said section twenty-two and in any such case the said section shall continue to apply in respect of such fiscal periods.

(2) Income of a corporation which, following upon election, was dealt with as provided for in the said section twenty-two shall not, on distribution by way of dividends, be subject to tax in the hands of the shareholders.

**9.** Subsection two of section thirty-five of the said Act is repealed, and the following is substituted therefor:—

Corporation returns due and tax payable four months after close of fiscal period.

"(2) Notwithstanding the provisions of section thirty-three of this Act, any corporation the fiscal year of which does not coincide with the calendar year, shall make a return within four months from the close of its fiscal year and the tax shall be computed as if the said fiscal year coincided with the calendar year within which the said fiscal year ends, and the provisions of this Act shall *mutatis mutandis* apply."

**10.** The said Act is amended by adding thereto the following section:—

Omitted income doubled.

"**83.** (1) If any person omits to declare any dividends, rentals, interest, royalties or other like income which, on any inquiry by the Department of National Revenue or on information obtained from any person other than the taxpayer, is subsequently duly ascertained to have been received, such person may be assessed as if double the income so omitted from his return had been received.

**7.** Subsection two of section five is amended by striking out the words "fifteen hundred" and substituting therefor the underlined words "twelve hundred".

This section provides for reduction of the amount of exemption in the case of a husband and wife having each a separate income.

(For paragraph *(c)* of subsection one of section five referred to, *see* top of page 2 of this Bill.)

**8.** A family corporation means a corporation (other than a personal corporation) 75 per cent of ths stock of which is owned by the members of one family, one of more of which members take an active part in the business operations, or a corporation 80 per cent owned by persons actively employed therein.

Under the law as enacted in 1926, if such a corporation elected to be treated as a family corporation then the income of the corporation was exempt from corporation tax. However, the annual income was taxed as if distributed among the shareholders as a dividend, whether actually distributed or not. The original purpose was to relieve small closely held operating companies, such as merchandizing and manufacturing companies, and their shareholders from what might have been regarded as double taxation, namely once to company tax and then again to individual tax in the hands of the members of the family or the employees.

A closely held corporation was regarded as somewhat analogous to a partnership and partnerships as such are not taxed but the individual members of the partnership are taxed whether the profits of the partnership are distributed or not.

Many corporations, though controlled by one man, are so large in number of shareholders and active in a wide and extensive trading way that the tax exemption affects competition unfairly.

Consequently the repeal is to draw these corporations back into the system of taxation which is common and applicable to all corporations so far as the Income Tax Act is concerned.

(2) This subsection continues the right to distribute the income of the corporation which heretofore, wbether distributed or not, has been taxed against the individual shareholders. It was a statutory undertaking which should be adhered to.

**9.** Taxes are payable on the 30th April, four months after the close of the calendar year. Companies with fiscal periods ending earlier in the calendar year had possession of the tax in respect of the fiscal period as many months longer as the fiscal period closed prior to the end of the calendar year, which might be from one to eleven months, thereby giving an advantage to such companies. The amendment is to remove this advantage and require the filing of Income Tax Returns and payment of the estimated tax withio four months from the close of any fiscal period and if not so made and paid the taxpayer to be subject to the same provisions that the Income Tax Act provides in respect of persons having a fiscal period coincident with the calendar year who fail to file on or before the 30th April, that is four months after the close of the calendar year. For example, as the law now stands a company having a fiscal period ending 31st January, 1932, would not have to file a return or pay any estimated tax until the 30th April, 1933. Thereafter interest starts to run. If the proposed section is sanctioned this company will be precluded from holding its tax in its treasury from the 31st January, 1932 to 30th April, 1933 (15 months) but will have to file a return and pay the estimated tax within four months from the close of its fiscal period, namely 31st May, 1932.

**10.** The reason for this amendment is obvious on reading this section. It may be stated, however, that an innocent omission corrected by the taxpayer involves no penalty but where an omission is ascertained on investigation or on information received from persons other than the taxpayer, the amount omitted may be doubled and added to the income of the taxpayer and taxed accordingly.

(2) The estate of a deceased taxpayer shall be liable in respect of any tax arising by reason of any omission so ascertained whether the omission was discovered prior or subsequent to the decease of the taxpayer.

(3) This section shall not be construed as providing for a penalty in substitution for any penalties otherwise provided for in this Act."

Application of sections 1 to 5 and 7 and 10.

**11.** Sections one, two, three, four, five, seven and ten of this Act shall be applicable to income of the 1931 taxation period and fiscal periods ending therein and of all subsequent periods.

Application of section 9.

**12.** Section nine of this Act shall be applicable to income of the 1932 taxation period and fiscal periods ending therein and of all subsequent periods.

(2) The Income Tax Act creates a personal tax and all penalties might be said to be personal penalties. It is common law that all penalties die with the person that have not, prior to his death, been converted into a debt due the Crown. Therefore, to overcome this general law the amendment is to apply in respect of omitted income of the deceased so that it may also be added to the income disclosed in the Income Tax Returns made during his life and taxed in the same manner as if it had been discovered before his death.

Third Session, Seventeenth Parliament, 22-23 George V, 1932

THE HOUSE OF COMMONS OF CANADA.

# BILL 97.

An Act respecting the Waterton Glacier International Peace Park.

First reading, May 18, 1932.

THE MINISTER OF THE INTERIOR.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
43146 1932

3rd Session, 17th Parliament, 22-23 Geo. V, 1932

THE HOUSE OF COMMONS OF CANADA.

# BILL 97.

An Act respecting the Waterton Glacier International Peace Park.

Preamble.

WHEREAS it is desirable for the purpose of permanently commemorating the long existing relationship of peace and good will existing between the peoples and Governments of the United States of America and the Dominion of Canada to create and establish memorials thereof: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Proclamation.

**1.** Upon proclamation of the Governor in Council, Waterton Lakes National Park shall be deemed to be a part of the Waterton Glacier International Peace Park.

Canadian section.

**2.** The Canadian section of the Waterton Glacier International Peace Park shall continue to be one of the National Parks of Canada set apart by chapter thirty-three of the statutes of Canada, 1930.

## Explanatory Note.

It is proposed by joint action by Congress and by Parliament to commemorate permanently the peace and good will which has long existed between the peoples and Governments of the United States and Canada by applying the name Waterton-Glacier International Peace Park to the United States Glacier National Park and the Canadian Waterton Lakes National Park.

This is in line with a sentiment in both countries which from time to time has sought to give visible expression to the unique character of the international relationship that has prevailed on this continent for over a century.

In 1922 President Harding dedicated a Peace Gate on the international boundary between British Columbia and Washington (Blaine–Douglas) to commemorate the exisistence of one hundred years of peace between the two countries. The bridge across the Niagara river at Buffalo is known as the International Peace Bridge. A movement has made rapid progress for the establishment of a Peace Garden along the international boundary line, and steps along this line have been taken to give it effect along the North Dakota and Manitoba boundary.

Third Session, Seventeenth Parliament, 22-23 George V, 1932

THE HOUSE OF COMMONS OF CANADA.

# BILL 98.

An Act to amend The Montreal Harbour Commissioners' Act, 1894.

First reading, May 21, 1932.

The MINISTER OF MARINE.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
47339 1932

3rd Session, 17th Parliament, 22-23 Geo. V, 1932

THE HOUSE OF COMMONS OF CANADA.

# BILL 98.

An Act to amend The Montreal Harbour Commissioners' Act, 1894.

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1894, c. 48; 1909, c. 24; 1914, c. 42.

**1.** Section one of chapter forty-two of the statutes of 1914 (First Session), *An Act to amend The Montreal Harbour Commissioners' Act, 1894*, is repealed and the following is substituted therefor:—

Harbour property vested in Crown.

"**1.** Notwithstanding anything contained in *The Montreal Harbour Commissioners' Act, 1894*, or in any Act respecting the Harbour Commissioners of Montreal, or in any other Act, the Harbour of Montreal and all wharves, warehouses, buildings and other works and improvements or appurtenances, in, upon or belonging or appertaining to the said harbour, and, generally, all property, movable or immovable, land, buildings, works or improvements, within or outside the limits of the said harbour, and heretofore acquired or held, or which shall hereafter be acquired or held, by the Harbour Commissioners of Montreal, shall, subject to the jurisdiction and powers of management and control by law vested in the Corporation, be vested in His Majesty, in the right of His Majesty's Government of Canada, and shall be deemed to have always been so vested, since the first day of July, 1867, or, for all property to be hereafter acquired or held, since the day of its acquisition or holding, and for the further assurance of the said property to His Majesty, in the right aforesaid, the Corporation of the Harbour Commissioners of Montreal is hereby empowered to surrender, transfer and convey to His Majesty, in the right of His Majesty's Government of Canada, the Harbour of Montreal, as vested in the Corporation by section nineteen of the Act hereby amended,

Further assurance by surrender.

## Explanatory Note.

The amendments are indicated by the insertion of the underlined words in the text of the Bill.

The section to be repealed and re-enacted reads as follows:

"**1.** Notwithstanding anything contained in *The Montreal Harbour Commissioners' Act, 1894*, or in any Act respecting the Harbour Commissioners of Montreal, or in any other Act, the harbour of Montreal, and all wharves, warehouses, buildings and other works and improvements or appurtenances in upon or belonging or appertaining to the said harbour and being within the limits thereof, shall, subject to the jurisdiction and powers of management andcontrol by law vested in the corporation, be vested in His Majesty in the right of His Majesty's Government of Canada, and shall be deemed to have always been so vested since the first day of July, one thousand eight hundred and sixty-seven; and for the further assurance of the said property to His Majesty in the right aforesaid, the Corporation of the Harbour Commissioners of Montreal is hereby empowered to surrender, transfer and convey to His Majesty in the right of His Majesty's Government of Canada the harbour of Montreal as vested in the Corporation by section 19 of the Act hereby amended, as enacted by section 4 of chapter 24 of the statutes of 1909, entitled *An Act respecting the Harbour Commissioners of Montreal*, together with all the wharves, warehouses, buildings and other works and improvements or appurtenances in upon or belonging or appertaining to the said harbour and being within the limits thereof: Provided that such surrender, transfer or conveyance shall not be deemed to affect the jurisdiction or powers of control and management of the Corporation."

as enacted by section four of chapter twenty-four of the statutes of 1909, entitled *An Act respecting the Harbour Commissioners of Montreal*, as well as all property, movable or immovable as above described: Provided that such surrender, transfer or conveyance shall not be deemed to affect the jurisdiction or powers of control and management of the Corporation."

Jurisdiction and powers of commissioners not affected.

Third Session, Seventeenth Parliament, 22-23 George V, 1932

THE HOUSE OF COMMONS OF CANADA.

# BILL 99.

An Act to amend the Civil Service Act.

First reading, May 20, 1932.

THE SECRETARY OF STATE.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
47410 1932

3rd Session, 17th Parliament, 22-23 Geo. V, 1932

THE HOUSE OF COMMONS OF CANADA

# BILL 99.

An Act to amend the Civil Service Act.

R.S., c. 22; 1929, c. 38.

HIS Majesty, by and with the consent of the House of Commons of Canada enacts as follows:—

**1.** Section thirteen of the *Civil Service Act*, chapter twenty-two of the Revised Statutes of Canada, 1927, is repealed and the following is substituted therefor:—

No change of compensation on promotion.

"**13.** The rate of compensation of an employee upon appointment to a position in any class in the civil service shall be at the minimum rate prescribed for the class; provided, however, that when the appointee is already in the civil service in another position, the rate of compensation upon appointment to the new position through promotion shall be the same as that received before such new appointment, or, if there be no such rate for the new class, then at the next higher rate, but no appointment shall in any case be made at less than the minimum nor at more than the maximum rate prescribed for a class."

**2.** The said Act is further amended by repealing subsections one and two of section fourteen and substituting therefor the following subsections:—

Increases to be granted by deputy.

"**14.** (1) The rate of compensation of an employee who has not reached the maximum rate of compensation of the class in which he is serving may, subject to the regulations of the Commission, be increased by the deputy head, if he is satisfied that the employee has rendered meritorious service and has increased his usefulness in the service.

Effective date of increase.

(2) Such increase shall be to the next higher rate for the class, and the new rate shall become effective at the next quarterly date after the increase is granted by the deputy head, that is to say, either the first day of January, April, July or October in any year."

EXPLANATORY NOTES.

**1.** Section 13 is amended by striking out the words "either through transfer or" in the sixth and seventh lines of the said section and substituting therefor the word "through" underlined on the opposite page.

**2.** The subsections to be repealed read as follows:—

"**14.** The rate of compensation of an employee, who has not reached the maximum rate of compensation of the class in which he is serving, *may be increased upon the recommendation of the deputy head approved by the Commission, but no such recommendation shall be approved unless it is accompanied by a statement of the deputy head supported by such evidence and records as the Commission may require,* that the employee has rendered meritorious service and has increased his usefulness in the service.

2. Such increase shall be to the next higher rate for the class, and the new rate shall become effective at the next quarterly date after *its approval by the Commission,* that is to say, either the first day of January, April, July or October."

**3.** Subsection two of section fifteen of the said Act is repealed and the following is substituted therefor:—

Pay of temporary employees outside of Ottawa.

"(2) In the case of temporary employees required in Canada outside the city of Ottawa, if such minimum rate be less than the prevailing rate of pay for the work incident to the position in the place or locality where the work is required to be performed, the Commission may engage a temporary employee at such prevailing rate instead of the minimum rate, if the said prevailing rate does not exceed the maximum rate of the class in which the position is classified."

**4.** Subsection three of section twenty-one of the said Act is repealed and the following is substituted therefor:—

Residence for local appointments.

"(3) Except as to appointments to positions in the headquarters of the several departments and other portions of the civil service at Ottawa, the appointments to any local positions in any province shall, so far as practicable, be made from persons having resided in such locality for a period of at least one year immediately preceding the date last fixed for receiving applications for such local positions."

**5.** Subsection one of section twenty-four of the said Act is repealed and the following is substituted therefor:—

Rejection only for cause.

"**24.** (1) The deputy head may, at any time before the expiration of six months, reject for cause any person assigned or appointed to any position under his control or direction, or he may extend the period of probation within which such person may be rejected for another six months; and the cause of rejection with full particulars, or the reason for extending the period of probation, shall be reported by the deputy head to the Commission."

**6.** Subsection one of section thirty-three of the said Act is repealed and the following is substituted therefor:—

Five years' residence in Canada required.

"**33.** (1) No person shall, without the authority of the Governor in Council, be admitted to any examination unless he is a natural born or naturalized British subject, and also has been a resident of Canada for at least five years."

**7.** Section forty-six of the said Act is repealed and the following is substituted therefor:—

Vacation leave.

"**46.** (1) The deputy head may grant to each officer, clerk or other employee leave of absence for the purposes of vacation for a period not exceeding one and one-half days for each month of completed service, and not exceeding eighteen days in any one fiscal year, exclusive of Sundays and holidays; but if any such officer, clerk or employee

**3.** This is a clerical correction. The word "maximum" on the opposite page is substituted for the word "minimum," which is struck out.

**4.** Subsection three of section twenty-one is amended by striking out the words "*bona fide* residents of such locality" in the last line of the said subsection and by substituting therefor the words "persons having resided in such locality for a period of at least one year immediately preceding the date last fixed for receiving applications for such local positions" underlined on the opposite page.

**5.** Subsection one of section twenty-four is amended by inserting the words "for cause" and "with full particulars" underlined on the opposite page.

**6.** The underlined word "five" is substituted for the word "three".

**7.** Subsection one of section forty-six is amended by inserting therein the words underlined on the opposite page. The word "yearly" has been struck out before the word "leave" in the second line. Subsection two is not changed.

be stationed in a tropical country (as defined by the regulations of the Commission) such leave of absence may be granted for a period not exceeding one calendar month in any one fiscal year.

(2) Every such officer, clerk or employee shall take the leave so granted at such time during each year as the deputy head determines."

**8.** Section forty-seven of the said Act is amended by adding thereto the following subsection:—

Gratuity in lieu of retiring leave.

"(2) The Commission, with the approval of the Governor in Council, may make regulations providing that whenever any officer, clerk or other employee may be granted a period of leave of absence with pay on his retirement from the service, he shall, in lieu of such leave of absence with pay, be paid out of the Consolidated Revenue Fund a gratuity equal to the amount of his salary for the period of such leave of absence; and in such case the position occupied by him shall become vacant as from the date of payment of such gratuity." (New.)

**9.** Subsection one of section fifty-one of the said Act is repealed and the following is substituted therefor:—

Suspension of employees in remote districts.

"**51.** (1) The head of a department, and in his absence the deputy head, or in respect of officers, clerks or employees employed in any remote district, any officer of the department authorized in that behalf by the head of the department, may

*(a)* suspend from the performance of his duty any officer, clerk or employee guilty of misconduct or negligence in the performance of his duties;

*(b)* remove such suspension;

but no person shall receive any salary or pay for the time or any part of the time during which he was under suspension unless the Commission is of opinion that such suspension was unjust or made in error or that the punishment inflicted was too severe."

**10.** The said Act is amended by inserting therein immediately after section fifty-seven the following section:—

"REVENUE POST OFFICES.

Act not to apply to postmasters of certain revenue post offices.

"**57A.** The provisions of this Act shall not apply to the position of postmaster of any revenue post office the revenue of which does not exceed three thousand dollars per annum; but the preference provided by section twenty-nine of this Act, in favour of the persons mentioned therein, shall be applied in respect of appointments to such positions."

**8.** Subsection two is new.

**9.** Subsection one of section fifty-one is amended by inserting after the words "deputy head" in the second line thereof the underlined words "or in respect of officers, clerks or employees employed in any remote district, any officer of the department authorized in that behalf by the head of the department."

**10.** Section 57A is new.

**11.** Subsection two of section sixty of the said Act, as enacted by chapter thirty-eight of the statutes of 1929, is repealed and the following is substituted therefor:—

Retired private secretaries not to be entitled to positions in civil service.

"(2) If such person holds a permanent position in the civil service he may be paid an additional salary not exceeding six hundred dollars a year whilst so acting; but if he does not hold a permanent position in the civil service, he may be paid such salary as the Governor in Council may prescribe."

**12.** Section sixty-one of the said Act is repealed and the following is substituted therefor:—

Officers of Parliament, what part of Act to apply to.

"**61.** (1) The provisions of this Act relating to appointment, transfer, promotion, salaries, increases thereof, classification, political partisanship and payment of gratuity on death shall apply to the permanent officers, clerks, and employees of both Houses of Parliament and of the Library of Parliament, and wherever any action is authorized or directed to be taken by the Governor in Council or by order in council, such action, with respect to the officers, clerks and employees of the Senate or the House of Commons, shall be taken by the Senate or the House of Commons, as the case may be, by resolution; or, if such action is required during the recess of Parliament, by the Governor in Council, subject to ratification by the Senate or the House of Commons, as the case may be, at the next ensuing session.

(2) With respect to the officers, clerks and employees of the Library of Parliament, and to such other officers, clerks and employees as are under the joint control of both House of Parliament, such action shall be taken by both Houses of Parliament by resolution, or, if such action is required during the recess of Parliament, by the Governor in Council, subject to ratification by both Houses of Parliament at the next ensuing session."

Retirement from office of present Civil Service Commissioners.

**13.** (1) Notwithstanding any provision of the said Act, the members of the Civil Service Commission now in office shall be retired from office by order of the Governor in Council on such date as he shall determine, and each member so retired may be granted such gratuity on retirement as the Governor in Council may authorize to be paid out of the Consolidated Revenue Fund.

(2) Subsection three of section three of the said Act is repealed and the following is substituted therefor:—

Tenure of office of Commissioners.

"(3) Each commissioner shall hold office during good behaviour for a period of ten years from the date of his appointment, save that his tenure of office shall cease upon his attaining the age of sixty-five years."

**11.** Subsection two of section sixty is amended by striking out, after the word "prescribe" in the sixth line, the words "*and in the event of the Minister or the Leader of the Opposition for whom he is acting as secretary, ceasing to be a minister or to be the Leader of the Opposition, as the case may be, the said secretary shall thereupon be appointed to a permanent position in the public service classified not lower than that of chief clerk, provided that the said secretary has been acting as such for a period of not less than one year.*"

**12.** Subsection one of section sixty-one is amended by adding at the end thereof the underlined words: "or, if such action is required during the recess of Parliament, by the Governor in Council, subject to ratification by the Senate or the House of Commons, as the case may be, at the next ensuing session."

Subsection two is amended by substituting the underlined words "by both Houses of Parliament" for the words "by the Senate, House of Commons or both Houses, as the case may be," which are struck out.

**13.** Subsection three of section three is amended by striking out, before the words "Each commissioner" as they appear in the new subsection three, the following words "The commissioners in office on the twenty-fourth day of May, one thousand nine hundred and eighteen shall hold office during good behaviour."

Third Session, Seventeenth Parliament, 22-23 George V, 1932

THE HOUSE OF COMMONS OF CANADA.

# BILL 100.

An Act to amend the Soldier Settlement Act.

First reading, May 21, 1932.

The MINISTER OF IMMIGRATION AND COLONIZATION.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
47415 1932

3rd Session, 17th Parliament, 22-23 Geo. V. 1932.

THE HOUSE OF COMMONS OF CANADA.

# BILL 100.

An Act to amend the Soldier Settlement Act.

R.S., c. 188; 1928, c. 48; 1930, c. 42; 1931, c. 53.

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

**1.** The *Soldier Settlement Act*, chapter one hundred and eighty-eight of the Revised Statutes of Canada, 1927, is amended by inserting the following section immediately after section twenty-one thereof:—

Transfer of lands to province or municipality.

"**21A.** The Governor in Council may transfer to the province, or the Director of Soldier Settlement with the approval of the Governor in Council may transfer to the municipality in which such land is situate, the interest of the Director of Soldier Settlement in any land which for a period of two years immediately preceding such transfer has not been the subject of a contract of sale."

**2.** Section twenty-nine of the said Act is repealed, and the following is substituted therefor:—

Sale of lands for dairy, educational and other purposes, and to provincial authorities; price to be not less than estimated cost to a settler.

"**29.** Notwithstanding anything in this Act, the Board, with the consent of the Governor in Council, may sell any land which is at its disposal for sale, in the cases and subject to the conditions following, that is to say:—

*(a)* As a site for a dairy factory, cheese factory, fruit preserving factory or creamery, or for any educational, religious, charitable or public purpose, or for any other purpose which, in the opinion of the Board, renders such a sale in the public interest;

*(b)* To any provincial or municipal authority for any purpose;

*(c)* The price shall in each case be fixed by the Governor in Council and shall be not less than the cost of the land as it would be estimated by the Board on a sale to a settler of lands acquired by purchase under this Act."

## Explanatory Notes.

**1.** Particularly in the provinces of Manitoba, Saskatchewan and Alberta, many parcels of land have reverted to the Director of Soldier Settlement, and, under existing conditions, it has been found difficult, if not impossible, to dispose of them. These lands have been the occasion of complaint by the Unions of Western Municipalities in view of the fact that the Director of Soldier Settlement is without authority to pay taxes thereon. Consequently it is proposed, where deemed advisable, to transfer such properties to the province or municipality in which they may be situate.

**2.** The only change in this section is made by striking out the words "not exceeding five acres in extent" after the words "disposal for sale" in the third line thereof.

Applications are frequently received for the conveyance of areas exceeding five acres in extent for the purposes defined by this section. This amendment is proposed in order that the Department may be enabled to convey areas somewhat greater in extent than the five-acre area, to which conveyance is at present restricted under the existing provisions of section 29.

**3.** The said Act is further amended by inserting the following section immediately after section sixty-six thereof:—

Power to pay rates and taxes.

"**66A.** Notwithstanding anything to the contrary in this Act the Director of Soldier Settlement may pay any lawful rates, taxes or assessments imposed in respect of any land held by the Director of Soldier Settlement not the subject of a contract of sale at the date of such imposition."

**3.** This amendment is designed to enable the Department to pay taxes on lands which have reverted to the Department, and which remain unsold, to the extent of such lawful taxes as may be imposed thereon. It is understood that where these lands are unoccupied no lawful taxes or assessment may be imposed or paid, but where occupied by a lessee taxes assessed against the occupancy of the renter may be legally paid. This amendment will enable the Minister to make a desired concession to municipalities.

Third Session, Seventeenth Parliament, 22-23 George V, 1932

THE HOUSE OF COMMONS OF CANADA.

# BILL 101.

An Act for granting to His Majesty certain sums of money for the public service of the financial years ending respectively the 31st March, 1932, and the 31st March, 1933.

AS PASSED BY THE HOUSE OF COMMONS, 25th MAY, 1932.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
42164 1932

3rd Session, 17th Parliament, 22-23 George V, 1932

THE HOUSE OF COMMONS OF CANADA.

# BILL 101.

An Act for granting to His Majesty certain sums of money for the public service of the financial years ending respectively the 31st March, 1932, and the 31st March, 1933.

MOST GRACIOUS SOVEREIGN,

Preamble.

WHEREAS it appears by messages from His Excellency the Right Honourable the Earl of Bessborough, etc., etc., Governor General of Canada, and the estimates accompanying the said messages, that the sums hereinafter mentioned are required to defray certain expenses of the public service of Canada, not otherwise provided for, for the financial years ending respectively the thirty-first day of March, one thousand nine hundred and thirty-two, and the thirty-first day of March, one thousand nine hundred and thirty-three, and for other purposes connected with the public service: May it therefore please Your Majesty that it may be enacted, and be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, that:—

Short title.

**1.** This Act may be cited as *The Appropriation Act, No. 4, 1932.*

$146,707,826.92 granted for 1932-33.

**2.** From and out of the Consolidated Revenue Fund there may be paid and applied a sum not exceeding in the whole one hundred and forty-six million, seven hundred and seven thousand, eight hundred and twenty-six dollars and ninety-two cents towards defraying the several charges and expenses of the public service, from the first day of April, one thousand nine hundred and thirty-two to the thirty-first day of March, one thousand nine hundred and thirty-three, not otherwise provided for, and being one-half of votes Nos. 35, 36, 45, 186, 207, 209, 210, 211 and 286, and three-fourths of the amount of each of the other items, less deductions, set forth in Schedule A to this Act.

$2,242,474.83 granted for 1931-32.

**3.** From and out of the Consolidated Revenue Fund there may be paid and applied a sum not exceeding in the whole two million, two hundred and forty-two thousand, four hundred and seventy-four dollars and eighty-three cents towards defraying the several charges and expenses of the public service, from the first day of April, one thousand nine hundred and thirty-one, to the thirty-first day of March, one thousand nine hundred and thirty-two, not otherwise provided for, set forth in Schedule B to this Act.

$8,440,000.00 granted for 1923-33.

**4.** From and out of the Consolidated Revenue Fund there may be paid and applied a sum not exceeding in the whole eight million, four hundred and forty thousand dollars towards defraying the several charges and expenses of the public service, from the first day of April, one thousand nine hundred and thirty-two, to the thirty-first day of March, one thousand nine hundred and thirty-three, not otherwise provided for, and being five-sixths of the amount of each of the several items to be voted set forth in Schedule C to this Act.

$6,620,472.95 granted for 1932-33.

**5.** From and out of the Consolidated Revenue Fund there may be paid and applied a sum not exceeding in the whole six million, six hundred and twenty thousand, four hundred and seventy-two dollars and ninety-five cents towards defraying the several charges and expenses of the public service, from the first day of April, one thousand nine hundred and thirty-two, to the thirty-first day of March, one thousand nine hundred and thirty-three, not otherwise provided for, set forth in Schedule D to this Act.

Power to raise loan of $200,000,000 for public works and general purposes.

1931, c. 27.

**6.** (1) The Governor in Council may, in addition to the sums now remaining unborrowed and negotiable of the loans authorized by Parliament by any Act heretofore passed, raise by way of loan, under the provisions of *The Consolidated Revenue and Audit Act, 1931*, by the issue and sale or pledge of securities of Canada, in such form, for such separate sums, at such rate of interest and upon such other terms and conditions as the Governor in Council may approve, such sum or sums of money as may be required, not to exceed in the whole the sum of two hundred million dollars, for public works and general purposes.

Chargeable to Consolidated Revenue Fund.

(2) The principal raised by way of loan under this Act and the interest thereon shall be a charge upon and payable out of the Consolidated Revenue Fund.

Lapse of prior borrowing powers.

(3) All borrowing powers authorized by section five of chapter sixty-one of the Statutes of 1931 which are outstanding and unused shall expire on the date of the coming into force of this Act.

Account to be rendered in detail.

**7.** A detailed account of the sums expended under the authority of this Act shall be laid before the House of Commons of Canada during the first fifteen days of the then next session of Parliament.

# SCHEDULE A.

Based on the Main Estimates, 1932-33. The amount hereby granted is $146,707,826.92, being one-half of votes Nos. 35, 36, 45, 186, 207, 209, 210, 211 and 286, and three-fourths of the amount of each of the other items in the Estimates as contained in this Schedule, less deduction of $45,000 in Resolution No. 56, Empire Settlement Scheme.

SUMS granted to His Majesty by this Act for the financial year ending 31st March, 1933, and the purposes for which they are granted.

| No. of Vote | Service | Amount | Total |
|---|---|---|---|
| | | $ cts. | $ cts. |
| | CHARGES OF MANAGEMENT | | |
| | Offices of the Assistant Receivers General— | | |
| | Salaries and Contingencies | 128,722 00 | |
| | Printing, signing, sealing and macerating Dominion Notes | 458,537 00 | |
| | Printing, advertising, inspection, express, etc | 119,679 00 | |
| | Commission for payment of interest on public debt, purchase of sinking funds, auditing | 100,000 00 | |
| 1 | English bill stamps, postage, etc | 2,500 00 | |
| | To provide for temporary clerical work in connection with the transfer and registration of bonds, etc., and the flotation of loans, and authority for these purposes to employ a temporary staff, fix their rates of remuneration and otherwise wholly regulate their services without reference to and notwithstanding anything in the Civil Service Act | 17,190 00 | |
| | | | 826,628 00 |
| | CIVIL GOVERNMENT | | |
| 2 | Office of the Secretary to the Governor General— | | |
| | Salaries | 29,322 00 | |
| | Contingencies, including house allowance of $1,500 per annum to the Secretary to the Governor General | 70,500 00 | |
| 3 | Agriculture— | | |
| | Salaries | 771,543 00 | |
| | Contingencies | 150,000 00 | |
| 4 | Auditor General's Office— | | |
| | Salaries | 325,638 00 | |
| | Contingencies | 60,000 00 | |
| 5 | Civil Service Commission— | | |
| | Salaries | 204,930 00 | |
| | Contingencies | 67,000 00 | |
| 6 | External Affairs— | | |
| | Salaries | 87,678 00 | |
| | Contingencies | 67,000 00 | |
| 7 | Finance— | | |
| | Salaries, including appointment of Miss M. Guthrie, B.A. as a Secretary to Executive at $1,980 | 412,542 00 | |
| | Contingencies | 38,000 00 | |
| | Inspector General of Banks— | | |
| | Salaries and contingencies | 23,340 00 | |
| 8 | Fisheries— | | |
| | Salaries | 139,410 00 | |
| | Contingencies | 40,000 00 | |
| 9 | Immigration and Colonization— | | |
| | Salaries | 260,766 00 | |
| | Contingencies | 30,000 00 | |
| 10 | Indian Affairs— | | |
| | Salaries | 162,454 50 | |
| | Contingencies | 23,000 00 | |
| 11 | Insurance— | | |
| | Salaries | 84,762 00 | |
| | Contingencies | 69,000 00 | |
| 12 | Interior— | | |
| | Salaries | 686,015 00 | |
| | Contingencies | 40,000 00 | |

## SCHEDULE A—*Continued*

| No. of Vote | Service | Amount | Total |
|---|---|---|---|
| | | $ cts. | $ cts. |
| | CIVIL GOVERNMENT—*Concluded* | | |
| 13 | Justice— | | |
| | Salaries | 221,128 00 | |
| | Contingencies, including the Solicitor General's Office | 40,000 00 | |
| 14 | Labour— | | |
| | Salaries | 224,802 00 | |
| | Contingencies | 30,000 00 | |
| 15 | Marine— | | |
| | Salaries | 367,137 00 | |
| | Contingencies | 70,000 00 | |
| 16 | Mines— | | |
| | Salaries | 541,224 00 | |
| | Contingencies | 15,000 00 | |
| 17 | National Defence— | | |
| | Salaries | 667,035 00 | |
| | Contingencies | 60,000 00 | |
| 18 | National Revenue— | | |
| | Salaries | 956,772 00 | |
| | Contingencies | 50,000 00 | |
| 19 | Office of the Prime Minister— | | |
| | Salaries | 24,817 50 | |
| 20 | Pensions and National Health— | | |
| | Salaries | 189,468 00 | |
| | Contingencies | 70,000 00 | |
| 21 | Post Office— | | |
| | Salaries, including amount required to pay allowances to Office Appliance Operators, Grade 2, operating mechanical audit card punching machines in accordance with the terms of Order in Council P.C. 280/383, dated February 17, 1930; and to pay allowances to Typists, Grade 1, employed cutting stencils in accordance with regulations approved by Order in Council | 1,272,855 10 | |
| | Contingencies | 200,000 00 | |
| 22 | Privy Council— | | |
| | Salaries | 42,984 00 | |
| | Contingencies | 7,000 00 | |
| 23 | Public Archives— | | |
| | Salaries | 90,630 00 | |
| | Contingencies | 13,500 00 | |
| 24 | Public Printing and Stationery— | | |
| | Salaries, including $450 to Fred. Cook as Secretary to the Government Printing and Stationery Committee, notwithstanding anything to the contrary in the Civil Service Act | 68,832 00 | |
| | Contingencies | 15,000 00 | |
| 25 | Public Works— | | |
| | Salaries | 601,020 00 | |
| | Contingencies | 80,000 00 | |
| 26 | Railways and Canals— | | |
| | Salaries | 248,220 00 | |
| | Contingencies | 42,000 00 | |
| 27 | Royal Canadian Mounted Police— | | |
| | Salaries | 35,460 00 | |
| | Contingencies | 16,000 00 | |
| 28 | Secretary of State— | | |
| | Salaries | 316,818 00 | |
| | Contingencies | 68,280 00 | |
| 29 | Trade and Commerce— | | |
| | Salaries | 554,310 00 | |
| | Contingencies | 40,000 00 | |
| | | | 11,083,193 10 |
| | ADMINISTRATION OF JUSTICE | | |
| 30 | Miscellaneous expenditure, including remuneration to members of the Mounted Police Force (to be expended under Order-in-Council, and not to exceed $1,000) for assistance in the Remission Service of the Department of Justice | 15,000 00 | |

# SCHEDULE A—*Continued*

| No. of Vote | Service | Amount | Total |
|---|---|---|---|
| | | $ cts. | $ cts |
| | ADMINISTRATION OF JUSTICE—*Concluded* | | |
| | *Supreme Court of Canada* | | |
| 31 | Contingencies and disbursements, including books, magazines, etc., for judges, not exceeding $350 | 7,500 00 | |
| | Law Books and books of reference for Library, and binding of same | 6,000 00 | |
| | Printing, binding and distributing Supreme Court Reports | 8,000 00 | |
| | *Exchequer Court of Canada* | | |
| 32 | Contingencies—Judges' and Court officials' travelling expenses, remuneration to sheriffs, etc., printing, stationery, etc., and $150 for judges' books | 7,500 00 | |
| | Printing, binding and distributing Court Reports | 3,000 00 | |
| | *Yukon Territory* | | |
| 33 | Miscellaneous expenditure, including salaries and allowances of court officers, etc | 8,650 00 | |
| | | | 55,650 00 |
| | PENITENTIARIES | | |
| 34 | Amount required for cost of administration, construction, purchase of land, supplies and equipment, maintenance and discharge of inmates at Kingston, St. Vincent de Paul, Dorchester, Manitoba, British Columbia, Saskatchewan and Collins Bay penitentiaries | 2,655,700 00 | |
| | | | 2,655,700 00 |
| | LEGISLATION | | |
| | SENATE | | |
| 35 | Salaries and contingent expenses | 161,939 40 | |
| | HOUSE OF COMMONS | | |
| 36 | Salaries | 218,034 00 | |
| | Expenses of committees, clerical assistance, etc | 103,468 00 | |
| | Contingencies | 43,695 00 | |
| | Publishing debates | 53,200 00 | |
| | Estimates of the Sergeant-at-Arms | 179,100 00 | |
| | LIBRARY OF PARLIAMENT | | |
| 37 | Salaries, and to authorize payment of M. C. MacCormac from April 1, 1932 | 42,498 00 | |
| | Books for the General Library, including binding | 15,000 00 | |
| | Books for the Library of American History | 1,000 00 | |
| | Contingencies | 12,000 00 | |
| | To provide for the cost of printing reports | 1,000 00 | |
| | GENERAL | | |
| 38 | Printing, printing paper and binding | 67,000 00 | |
| | | | 897,934 40 |
| | AGRICULTURE | | |
| 39 | Dairying | 231,300 00 | |
| 40 | Cold Storage Warehouses | 200,000 00 | |
| 41 | Fruit | 390,200 00 | |
| 42 | Seed, feed and fertilizer control, including grants to Seed Fairs, etc., also grant of $18,900 to the Canadian Seed Growers Association | 413,200 00 | |
| 43 | For experiments in dehydration of fruits and vegetables | 10,000 00 | |
| 44 | Live Stock | 1,380,000 00 | |
| 45 | Experimental Farms | 1,492,000 00 | |

## SCHEDULE A—*Continued*

| No. of Vote | Service | Amount | Total |
|---|---|---|---|
| | | $ cts. | $ cts. |
| | AGRICULTURE—*Concluded* | | |
| 46 | Assistance to Fairs and Exhibitions, including the Royal Agricultural Winter Fair | 350,000 00 | |
| 47 | Health of Animals, administration of the Animal Contagious Diseases Act and the Meat and Canned Foods Act | 1,654,000 00 | |
| 48 | Entomology | 25,000 00 | |
| 49 | Administration of Destructive Insect and Pest Act | 328,300 00 | |
| 50 | Publications | 7,500 00 | |
| 51 | International Institute of Agriculture | 10,000 00 | |
| 52 | Farm Economics, including agricultural co-operative marketing | 8,600 00 | |
| 53 | Contributions to Empire Bureaux | 21,000 00 | |
| 54 | Grant to Executive Committee of the World's Grain Congress | 150,000 00 | |
| | | | 6,671,100 00 |
| | IMMIGRATION AND COLONIZATION | | |
| 55 | Immigration salaries and contingencies, including grants to Immigration Societies, Provinces, etc., as may be authorized by the Governor General in Council | 1,360,000 00 | |
| 56 | Empire Settlement Scheme, including grants to Immigration Societies, Women's Hostels, etc., as may be authorized by the Governor General in Council | *60,000 00 | |
| 57 | Chinese Immigration—Salaries and contingencies | 41,595 00 | |
| 58 | Relief of distressed Canadians outside of Canada | 3,000 00 | |
| | | | 1,464,595 00 |
| | SOLDIER AND GENERAL LAND SETTLEMENT | | |
| 59 | Amount required for Soldier Land Settlement Advances, for advances under the British Family Schemes recoverable from the British Government, for the cost of administration of Soldier Settlement and General Land Settlement, and for the cost of administration of Soldier Settlement staff performing investigations for the War Veterans Allowance Committee | 1,500,000 00 | |
| | | | 1,500,000 00 |
| | PENSIONS | | |
| 60 | Annuity to Dr. F. G. Banting | 7,500 00 | |
| 61 | Annuity to Dr. Charles E. Saunders | 5,000 00 | |
| | Pensions to— | | |
| 62 | The unmarried sister of the late Col. Harry Baker, M.P. | 700 00 | |
| 63 | J. Langlois Bell | 600 00 | |
| 64 | Captain J. E. Bernier | 2,400 00 | |
| 65 | James Elliott | 672 00 | |
| 66 | Mrs. Wm. McDougall | 1,200 00 | |
| 67 | Alice Morson Smith | 600 00 | |
| 68 | Elizabeth Swinford | 600 00 | |
| 69 | J. L. Weller | 3,500 00 | |
| 70 | Mounted Police, Prince Albert Volunteers and Police Scouts on account of the Rebellion of 1885 | 806 65 | |
| 71 | Familes of members of the Mounted Police Force who lost their lives while on duty— | | |
| | Mrs. Mary Emma Bossange | 456 25 | |
| | Mrs. Margaret Johnson Brooke | 821 25 | |
| | Mrs. Margaret Cox | 500 63 | |
| | Mrs. Elizabeth Fitzgerald | 525 00 | |
| | Mrs. Margaret Nicholson | 607 50 | |
| | Mrs. Myrtle L. Richards | 900 00 | |
| | Mrs. Amy Lillian Searle | 406 98 | |
| | Mrs. Nora Jean Massan | 300 00 | |
| | Mrs. Letitia Kennedy | 423 50 | |
| 72 | Pensions payable to Militiamen on active service, Northwest Rebellion, 1885, and general pensions | 25,000 00 | |
| 73 | Civil flying | 1,000 00 | |
| 74 | European War—Naval, Militia and Air Forces after the War | 48,000,000 00 | |
| 75 | Salaries and contingent expenses of the Board of Pension Commissioners for Canada | 451,284 00 | |
| | | | 48,505,803 76 |

*Deduction $45,000

# SCHEDULE A—*Continued*

| No. of Vote | Service | Amount | Total |
|---|---|---|---|
| | | $ cts. | $ cts. |
| | **SUPERANNUATION** | | |
| 76 | To provide for retiring allowances to former employees of the Department of Public Printing and Stationery | 12,100 00 | 12,100 00 |
| | **NATIONAL DEFENCE** | | |
| | MILITIA SERVICES | | |
| 77 | Administration | 320,000 00 | |
| 78 | Cadet Services | 100,000 00 | |
| 79 | Contingencies | 35,000 00 | |
| 80 | Engineer Services and Works | 327,500 00 | |
| 81 | General Stores | 663,500 00 | |
| 82 | Non-Permanent Active Militia | 1,837,400 00 | |
| 83 | Permanent Force | 4,844,000 00 | |
| 84 | Royal Military College | 360,500 00 | |
| 85 | Topographic Survey | 20,000 00 | |
| | NAVAL SERVICES | | |
| 86 | Naval Service—To provide for the maintenance of the ships and establishments of the Naval Service, including the Royal Canadian Navy, and Royal Canadian Naval Reserve and the Royal Canadian Naval Volunteer Reserve | 2,462,000 00 | |
| | GENERAL | | |
| 87 | *Civil Pensions—* | | |
| | Life pension to Robert Allen | 269 52 | |
| | Life pension to Walter Pettipas | 515 90 | |
| | Life pension to Florence Walker and children | 517 50 | |
| | Life pension to Arnold Truman Townsend | 420 00 | |
| | Life pension to Michael Mountain | 420 00 | |
| 88 | *Miscellaneous—* | | |
| | Compassionate grant to Gordon Hymen for injuries sustained while on duty at Wolseley Barrack, London, Ont | 16 00 | |
| | Compassionate grant to P. Adolph, Winnipeg, Man., for damage to garage and motor car, caused through roof of armoury being blown off by storm | 175 00 | |
| | Compassionate grant to J. Carrick, Winnipeg, Man., for damage to his residence, caused through roof of armoury being blown off by storm | 90 00 | |
| | Compassionate grant to E. Minkie, Winnipeg, Man., for damage to his residence, caused through roof of armoury being blown off by storm | 225 00 | 10,972,548 92 |
| | **AVIATION** | | |
| 89 | Training—All expenses in connection with the general maintenance of the Air Force, including training personnel for Civil Air Operations and provision of the necessary facilities therefor.<br>Civil Air Operations— Flying operations for Civil Government Departments in connection with aerial photographic surveys, forestry patrols, forestry and grain pests, transportation, etc., control of civil aviation; establishing aerodromes and airship bases; aeronautical engineering, etc.<br>Air Mail Routes—To provide for expenses in connection with establishment and maintaining air mail routes; preparation and lighting of intermediate landing fields, etc. | 1,750,000 00 | 1,750,000 00 |
| | **RAILWAYS AND CANALS** | | |
| | *(Chargeable to Capital)* | | |
| | RAILWAYS | | |
| 90 | Hudson Bay Railway and Terminals: Construction and betterments, including E. B. Jost at $2,250 (Revote $630,000) | 1,937,700 00 | |
| | CANALS | | |
| 91 | St. Ours Lock Rebuilding (Revote $50,000) | 50,000 00 | |
| 92 | Welland Ship Canal: Construction and betterments | 3,123,400 00 | 5,111,100 00 |

# SCHEDULE A—*Continued*

| No. of Vote | Service | Amount | Total |
|---|---|---|---|
| | | $ cts. | $ cts. |
| | **RAILWAYS AND CANALS** | | |
| | *(Chargeable to Income)* | | |
| | CANALS | | |
| 93 | Murray, Improvements | 7,000 00 | |
| 94 | Port Colborne Elevator, Improvements (Revote $1,180.00) | 1,180 00 | |
| | Quebec Canals— | | |
| 95 | Carillon-Grenville, Improvements | 10,350 00 | |
| 96 | Lachine Canal, Improvements | 20,900 00 | |
| 97 | St. Anne's Lock, Improvements | 6,100 00 | |
| 98 | Rideau Canal, Improvements | 17,000 00 | |
| 99 | Trent Canal, Improvements (Revote $3,500.00) | 133,400 00 | |
| 100 | Welland Canal, Improvements (Revote $10,700.00) | 25,900 00 | |
| 101 | Welland Ship Canal, Improvements | 125,000 00 | |
| 102 | Williamsburg Canal, Improvements | 6,800 00 | |
| | MISCELLANEOUS | | |
| 103 | Board of Railway Commissioners for Canada: Maintenance and operation | 288,780 45 | |
| 104 | Governor General's cars | 7,000 00 | |
| 105 | Miscellaneous services: Including salaries and expenses of experts employed temporarily (Revote $5,000.00) | 41,300 00 | |
| 106 | Printing and Stationery | 7,000 00 | |
| 107 | Surveys and Inspections, Canals: Including salaries and expenses of experts employed temporarily | 10,000 00 | |
| 108 | Railway Employees' Provident Fund: To supplement pension allowances payable under the provisions of the Intercolonial and Prince Edward Island Railway Employees' Provident Fund Act so as to make the minimum payments during the period 1st January, 1932, to 31st March, 1933, the sum of $30.00 per month instead of $20.00 as fixed by the said Act | 29,000 00 | |
| | | | 736,710 45 |
| | **PUBLIC WORKS** | | |
| | *(Chargeable to Capital)* | | |
| | PUBLIC BUILDINGS | | |
| | *Under Contract*— | | |
| 109 | Ottawa—National Research Council Laboratories and Equipment | 415,000 00 | |
| | HARBOURS AND RIVERS | | |
| | *Under Contract*— | | |
| | St. John—Channel Improvements | 350,000 00 | |
| | Toronto—Harbour improvements | 168,000 00 | |
| 110 | Upper St. Lawrence River—Channel improvements | 45,000 00 | |
| | Burlington Channel—Improvements | 50,000 00 | |
| | *Not under Contract*— | | |
| | Fort William and Port Arthur Harbours | 21,000 00 | |
| | | | 1,049,000 00 |
| | **PUBLIC WORKS** | | |
| | *(Chargeable to Income)* | | |
| | PUBLIC BUILDINGS | | |
| | *Nova Scotia* | | |
| | Canso Public Building—Improvements and repairs | 6,000 00 | |
| 111 | Halifax—Repairs to Buildings and wharfs at R.C.N. Barracks and H.M.C. dockyards | 25,000 00 | |

# SCHEDULE A—*Continued*

| No. of Vote | Service | Amount | Total |
|---|---|---|---|
| | | $ cts. | $ cts. |
| | PUBLIC WORKS—*Continued* | | |
| | *(Chargeable to Income)*—Continued | | |
| | PUBLIC BUILDINGS—*Continued* | | |
| | *Nova Scotia*—Concluded | | |
| 111 | Inverness Public Building—Extension of sewer | 2,000 00 | |
| | New Glasgow Public Building—Addition—Under contract | 9,000 00 | |
| | Sydney Mines Public Building—Improvements and repairs | 5,000 00 | |
| | | 47,000 00 | |
| | *New Brunswick* | | |
| 112 | St. John Quarantine Station—Partridge Island—Improvements, alterations and repairs | 10,000 00 | |
| | St. Stephen—Building for Customs and Immigration purposes | 30,000 00 | |
| | Tracadie Lazaretto—Improvements and repairs | 6,600 00 | |
| | | 46,600 00 | |
| | *Maritime Provinces Generally* | | |
| 113 | Dominion Public Buildings | 50,000 00 | |
| | *Quebec* | | |
| 114 | Beebe—Building for Immigration and Customs purposes | 16,000 00 | |
| | Dominion Public Buildings—Improvements and repairs | 120,000 00 | |
| | Grosse Isle Quarantine Station—Improvements and repairs | 2,500 00 | |
| | Huntingdon—Public Building—Under contract | 11,000 00 | |
| | Montreal Armoury—Payment of instalment on purchase of Armoury | 15,140 00 | |
| | Montreal—Craig St. Drill Hall—Renewal of roof | 8,000 00 | |
| | Montreal—Postal terminal building | 500,000 00 | |
| | Montreal—Stephens Building—Equipment—Under contract | 7,500 00 | |
| | Quebec Citadel—Improvements and maintenance | 15,000 00 | |
| | Ste. Anne de Bellevue—Public Building—Under contract | 9,000 00 | |
| | Trout River—Building for immigration and customs purposes | 26,000 00 | |
| | Westmount—Armoury—Payment of instalment on purchase of Armoury | 13,000 00 | |
| | | 743,140 00 | |
| | *Ontario* | | |
| 115 | Dominion Public Buildings—Improvements and repairs | 125,000 00 | |
| | Hamilton—Public Building—Renovation of heating plant | 9,500 00 | |
| | London Armouries—Government's share of cost of local improvements | 960 00 | |
| | London—Tractor for Postal purposes | 1,700 00 | |
| | New Liskeard—Public Building—Under contract | 9,000 00 | |
| | Parry Sound—Public Building—Under contract | 49,000 00 | |
| | Penetanguishene—Public Building—Under contract | 10,000 00 | |
| | Perth—Public Building—Under contract | 47,000 00 | |
| | Toronto—Custom House—Under contract | 60,000 00 | |
| | Toronto—Payment of instalment on purchase of armoury—Under contract | 29,500 00 | |
| | Toronto—Postal Station "A"—Mechanical equipment and improvements—Under contract | 20,000 00 | |
| | Windsor—Public Building—Under construction | 500,000 00 | |
| | | 861,660 00 | |

## SCHEDULE A—*Continued*

| No. of Vote | Service | Amount | Total |
|---|---|---|---|
| | | $ cts. | $ cts. |
| | PUBLIC WORKS—*Continued* | | |
| | *(Chargeable to Income)*—Continued | | |
| | PUBLIC BUILDINGS—*Continued* | | |
| | *Manitoba* | | |
| 116 | Brandon—New Public Building—Fittings, alterations and improvements | 3,000 00 | |
| | Dominion Public Buildings—Improvements and repairs | 30,000 00 | |
| | Portage la Prairie—Public Building—Renovation of heating plant | 1,700 00 | |
| | The Pas—Public Building—Under contract | 52,000 00 | |
| | | 86,700 00 | |
| | *Saskatchewan* | | |
| 117 | Dominion Public Buildings—Improvements and repairs | 25,000 00 | |
| | Regina—Armoury—Payment of instalment on purchase of Armoury | 31,000 00 | |
| | Regina—Union Station Postal Building—Equipment—Under contract | 5,000 00 | |
| | | 61,000 00 | |
| | *Alberta* | | |
| 118 | Dominion Public Buildings—Improvements and repairs | 15,000 00 | |
| | High River—Public Building—Under contract | 7,000 00 | |
| | | 22,000 00 | |
| | *British Columbia* | | |
| 119 | Atlin Public Building—Renovation of heating plant | 2,500 00 | |
| | Dominion Public Buildings—Improvements and repairs | 45,000 00 | |
| | Esquimalt—Repairs and improvements at R.C.N. Barracks and H.M.C. Dockyard | 10,000 00 | |
| | Kamloops Public Building—Renovation of heating plant | 1,000 00 | |
| | Vancouver Armoury—Payment of instalment on purchase of Armoury | 14,000 00 | |
| | Vancouver—Public Building—Repairs to roof | 7,500 00 | |
| | Vancouver Public Building—to meet one year's interest at 5 p.c. on mortgage of $400,000 | 20,000 00 | |
| | | 100,000 00 | |
| | *Generally* | | |
| 120 | Experimental Barms—Replacements, repairs and improvements | 22,500 00 | |
| | Flags for Dominion Public Buildings | 2,500 00 | |
| | Military Buildings—Repairs and fittings | 25,000 00 | |
| | Military Hospitals—Repairs, improvements and alterations | 60,000 00 | |
| | Public Buildings—Generally | 35,000 00 | |
| | Ottawa Departmental Buildings, fittings, etc | 50,000 00 | |
| | Ottawa—Payment of final instalment on purchase of building for Government workshops | 10,550 00 | |
| | Ottawa—Government's sbare of cost of local improvements | 18,250 00 | |
| | | 223,800 00 | |

# SCHEDULE A—*Continued*

| No. of Vote | Service | Amount | Total |
|---|---|---|---|
| | | $ cts. | $ cts. |
| | PUBLIC WORKS—*Continued* | | |
| | *(Chargeable to Income)*—Continued | | |
| | PUBLIC BUILDINGS—*Concluded* | | |
| | *Rents, Repairs, Furniture, Heating, etc.* | | |
| | *Ottawa Public Buildings and Grounds*— | | |
| | Elevator Attendants | 108,500 00 | |
| | Departments Generally—Char Service, including $135 to E. Snowden for firing the noon gun | 417,000 00 | |
| | Heating, including salaries of engineers, firemen and watchmen | 441,000 00 | |
| | Light and Power—Including roads and bridges | 185,000 00 | |
| | Repairs, improvements, additions and maintenance | 397,300 00 | |
| | Rideau Hall—Allowance for fuel and light | 19,000 00 | |
| | Rideau Hall, including grounds, improvements, furniture and maintenance | 40,700 00 | |
| | Telephone Service | 75,000 00 | |
| | Water | 61,000 00 | |
| 121 | *Dominion Public Buildings*— | | |
| | Dominion Immigration Buildings—Repairs, improvements, additions and furniture | 25,000 00 | |
| | Dominion Quarantine Stations—Maintenance and repairs | 15,000 00 | |
| | Fittings, General Supplies and Furniture | 80,000 00 | |
| | Heating | 449,000 00 | |
| | Light and power | 316,000 00 | |
| | Rents | 1,770,000 00 | |
| | Salaries of Caretakers, Engineers, Firemen, etc | 1,062,400 00 | |
| | Supplies for Caretakers, Engineers, Firemen, etc | 60,000 00 | |
| | Water | 80,000 00 | |
| | Yukon Public Buildings—Rents, repairs, fuel, light, water service and caretaker's salaries | 27,300 00 | |
| | Victoria, B.C.—Astrophysical Observatory (Little Saanich Mountain)—Maintenance repairs, and improvements | 4,000 00 | |
| | | 5,633,200 00 | |
| | HARBOURS AND RIVERS | | |
| | *Nova Scotia* | | |
| | *Under Contract*— | | |
| | Bay St. Lawrence—Breakwater extension | 3,000 00 | |
| | Broad Cove Marsh—Breakwater-wharf extension | 5,900 00 | |
| | Cow Bay (Port Morien)—Breakwater extension | 3,000 00 | |
| | East Ferry—Wharf | 18,000 00 | |
| | Louisburg—Wharf—To complete | 1,500 00 | |
| 122 | The Ponds (Pleasant Bay)—Harbour improvements | 6,400 00 | |
| | *Essential Undertakings*— | | |
| | Barrington Passage—Dredging | 18,800 00 | |
| | Brooklyn—Dredging | 42,000 00 | |
| | Cheticamp Point—Wharf extension | 7,000 00 | |
| | Yarmouth Harbour—Dredging | 125,000 00 | |
| | Harbours and Rivers Generally for maintenance of services; no new works to be undertaken | 200,000 00 | |
| | | 430,600 00 | |
| | *Prince Edward Island* | | |
| | *Under Contract*— | | |
| | St. Peter's Harbour—Pier | 3,900 00 | |
| 123 | Victoria—Wharf enlargement | 5,400 00 | |
| | Harbours and Rivers Generally for maintenance of services; no new works to be undertaken | 50,000 00 | |
| | | 59,300 00 | |

## SCHEDULE A—*Continued*

| No. of Vote | Service | Amount | Total |
|---|---|---|---|
| | | $ cts. | $ cts. |
| | PUBLIC WORKS—*Continued* | | |
| | *(Chargeable to Income)*—Continued | | |
| | HARBOURS AND RIVERS—*Continued* | | |
| | *New Brunswick* | | |
| | *Under Contract*— | | |
| | Albert—Wharf extension | 3,500 00 | |
| | Alma—Breakwater extension and dredging | 5,000 00 | |
| | Armstrong's Brook—Pier | 2,200 00 | |
| | Barachois (Abougagan River)—Wharf | 5,000 00 | |
| | Burnt Church—Wharf extension | 5,000 00 | |
| 124 | Negro Point—Breakwater repairs | 10,000 00 | |
| | Newcastle (Royal Co.)—Wharf improvements | 5,000 00 | |
| | Tracadie Harbour—Breastworks and breakwaters | 90,000 00 | |
| | Waweig—Wharf completion | 3,600 00 | |
| | Harbours and Rivers Generally lor maintenance ol services; no new works to be undertaken | 125,000 00 | |
| | | 254,300 00 | |
| | *Quebec* | | |
| | *Under Contract*— | | |
| | Anse au Canard—To complete training piers | 3,200 00 | |
| | Batiscan River—Dredging | 10,800 00 | |
| | Cap St. Ignace—Wharf reconstruction | 4,500 00 | |
| | Grindstone, M.I.—Wharl reconstruction and extension | 8,300 00 | |
| | Les Eboulements—Wharf repairs | 6,000 00 | |
| | McInnis Cove—Breakwater completion | 4,200 00 | |
| | Pointe Claire—Wharf reconstruction—To complete | 3,500 00 | |
| | Rivière la Guerre—Contribution towards dredging, Province of Quebec to bear a like amount | 32,000 00 | |
| | Shawinigan Bay—Protection work | 42,000 00 | |
| | *Essential Undertakings*— | | |
| | Anse au Griffons—Wharf improvements | 4,800 00 | |
| 125 | Anse du Moulin (Aurigny)—Breakwater replacement | 6,000 00 | |
| | Bonaventure—Extension to wharl protection | 1,900 00 | |
| | Gascons—Wharf extension | 3,700 00 | |
| | Lavaltrie—Wharf protection | 6,500 00 | |
| | Matane—Extension to Western breakwater | 36,000 00 | |
| | Montmagny—Wharf improvements | 10,700 00 | |
| | Notre Dame de Pierreville—Ice pier | 3,200 00 | |
| | Noyan—Replacing shed on wharf | 1,700 00 | |
| | Petit Saguenay—Wharf improvements | 2,700 00 | |
| | Rimouski River—Wharf improvements | 2,800 00 | |
| | Rivière au Tonnerre—Shed on wharf | 2,000 00 | |
| | Rivière Blanche (St. Ulric)—Wharf improvements | 3,700 00 | |
| | St. Charles de Caplan—Wharl reconstruction | 21,000 00 | |
| | Ste. Emelie—Wharf reconstruction | 35,000 00 | |
| | St. Jacques des Piles—Wharf extension | 17,000 00 | |
| | St. Simeon—Wharf reconstruction | 24,000 00 | |
| | Squatteck—Wharf improvements | 6,500 00 | |
| | Harbours and Rivers Generally lor maintenance ol services; no new works to be undertaken | 413,800 00 | |
| | | 717,500 00 | |

# SCHEDULE A—*Continued*

| No. of Vote | Service | Amount | Total |
|---|---|---|---|
| | | $ cts. | $ cts. |
| | PUBLIC WORKS—*Continued* | | |
| | *(Chargeable to Income)*—Continued | | |
| | HARBOURS AND RIVERS—*Continued* | | |
| | *Ontario* | | |
| | *Under Contract*— | | |
| | Byng Inlet—Dredging | 6,000 00 | |
| | Collingwood—Harbour Improvements | 30,000 00 | |
| | Goderich—Harbour improvements | 24,000 00 | |
| | Haileybury—Breakwater | 45,000 00 | |
| | Key Harbour—Dredging | 40,000 00 | |
| | Kingston—Dredging Little Cataraqui Bay | 24,500 00 | |
| | Kingston (Little Cataraqui Bay)—Breakwater | 73,000 00 | |
| | Kingston—Wharf reconstruction | 15,000 00 | |
| | Michipicoten—Dredging | 44,000 00 | |
| | Moose Factory—To assist in construction of wharf | 15,000 00 | |
| | Parry Sound—Wharf reconstruction | 65,000 00 | |
| | Rockport—Wharf—To complete | 3,500 00 | |
| 126 | Silver Creek and Castor River—Balance of contribution towards dredging, the Provincial Government having contributed a like amount—Revote from 1930-31 | 2,500 00 | |
| | *Essential Undertakings*— | | |
| | Blind River—Dredging | 20,000 00 | |
| | Leamington—Harbour improvements | 75,000 00 | |
| | Midland—Harbour improvements | 40,000 00 | |
| | Oshawa—Harbour improvements | 12,500 00 | |
| | Penetanguishene—Dredging | 9,300 00 | |
| | Port Hope—Harbour improvements | 21,400 00 | |
| | Saugeen River—Harbour improvements | 5,100 00 | |
| | Sault Ste. Marie—Harbour improvements | 20,000 00 | |
| | Harbours and rivers generally for maintenance of services; no new works to be undertaken | 200,000 00 | |
| | | 790,800 00 | |
| | *Manitoba* | | |
| | *Essential Undertakings*— | | |
| 127 | Kississing River—Improvements | 4,500 00 | |
| | Harbours and rivers generally for maintenance of service; no new works to be undertaken | 50,000 00 | |
| | | 54,500 00 | |
| | *Saskatchewan and Alberta* | | |
| 128 | Harbours and rivers generally for maintenance of services; no new works to be undertaken | 15,000 00 | |
| | *British Columbia* | | |
| | *Under Contract*— | | |
| | Fraser River—Improvements | 160,000 00 | |
| | Fraser River—Contribution towards protection work at Matsqui, the Provincial Government, the Municipality and the C.N.R. each to contribute a like amount | 3,500 00 | |
| | Sumas—Wharf | 6,500 00 | |
| | *Essential Undertakings*— | | |
| 129 | Columbia River (Below Burton)—Improvements to diversion work | 5,300 00 | |
| | Fraser River—Contribution towards protection work near Agassiz, B.C., the Provincial Government of B.C., and the Municipality of Kent, B.C., each to contribute a like amount | 4,000 00 | |
| | Hospital Bay—Wharf extension | 3,200 00 | |
| | Peace River—Improvements from Hudson's Hope to Canyon Coal Mines | 12,000 00 | |

# SCHEDULE A—*Continued*

| No. of Vote | Service | Amount | Total |
|---|---|---|---|
| | | $ cts. | $ cts. |
| | PUBLIC WORKS—*Continued* | | |
| | *(Chargeable to Income)*—Continued | | |
| | HARBOURS AND RIVERS—*Concluded* | | |
| | *British Columbia*—Concluded | | |
| | *Essential Undertakings*—Concluded | | |
| | Port Clements—Wharf extension | 1,400 00 | |
| | Port Renfrew—Wharf extension | 9,000 00 | |
| 129 | Sea Island—Contribution towards protection work at Sea Island, the Municipality of Richmond to contribute a like amount | 7,500 00 | |
| | Sooke—Dredging | 9,500 00 | |
| | Harbours and Rivers Generally; for maintenance of services; no new works to be undertaken | 100,000 00 | |
| | | 321,900 00 | |
| | *Yukon* | | |
| 130 | *Essential Undertaking*— Stewart and Yukon Rivers—Improvements | 5,000 00 | |
| | *Generally* | | |
| 131 | Harbours and Rivers Generally; for maintenance of services; no new works to be undertaken | 25,000 00 | |
| | DREDGING | | |
| | Dredging—Maritime Provinces | 235,500 00 | |
| 132 | Dredging—Ontario and Quebec | 315,000 00 | |
| | Dredging—Manitoba, Saskatchewan and Alberta | 46,800 00 | |
| | Dredging—British Columbia | 130,000 00 | |
| | | 727,300 00 | |
| | ROADS AND BRIDGES | | |
| | Bryson—Calumet Bridge—Repairs, etc | 4,850 00 | |
| | Burlington Channel Bridge—Maintenance and repairs, etc | 20,000 00 | |
| | Des Joachims Bridges—Repairs, etc | 8,000 00 | |
| | Dominion Roads and Bridges—Generally | 7,000 00 | |
| | Great Bear River Rapids—Portage Road | 12,000 00 | |
| 133 | Interprovincial Bridge over Ottawa River at Hawkesbury, the Quebec Government to contribute one-third of cost of construction only, the Ontario Government to contribute one-fourth of cost of construction and to pay annually one-fourth the maintenance costs—Under construction | 24,000 00 | |
| | Kingston—Wharves and Bridges—Maintenance and repairs | 14,000 00 | |
| | Ottawa—Maintenance and repairs to bridges and approaches | 6,500 00 | |
| | Repairs to Interprovincial Bridge over Restigouche River at Matapedia | 5,500 00 | |
| | | 101,850 00 | |

## SCHEDULE A—*Continued*

| No. of Vote | Service | Amount | Total |
|---|---|---|---|
| | | $ cts. | $ cts. |
| | PUBLIC WORKS—*Concluded* | | |
| | *(Chargeable to Income)*—Concluded | | |
| | TELEGRAPH AND TELEPHONE LINES | | |
| | *Nova Scotia* | | |
| 134 | Cape Breton Telegraph and Telephone Lines—Repairs and improvements | 6,400 00 | |
| | *Quebec* | | |
| 135 | Magdalen Islands Telephone Service—Repairs and improvements | 750 00 | |
| | Reconstruction of North Shore St. Lawrence Telegraph System from English Bay eastward—Under construction | 10,000 00 | |
| | *Saskatchewan and Alberta* | | |
| 136 | Saskatchewan and Alberta Telegraph and Telephone Lines—Repairs and improvements | 7,700 00 | |
| | *British Columbia* | | |
| 137 | British Columbia Northern District—Repairs and improvements | 9,500 00 | |
| | British Columbia Vancouver Island District—Repairs and improvements | 11,400 00 | |
| | Yukon Telegraph System—Repairs and improvements | 15,000 00 | |
| | | 60,750 00 | |
| | MISCELLANEOUS | | |
| 138 | Accounts Branch—Salaries of agents, clerks, travelling and contingent expenses of outside service | 23,600 00 | |
| | Architectural Branch—Salaries of architects, clerks of works, inspectors, draftsmen, clerks and messengers of outside service | 63,700 00 | |
| | Engineering Branch—Salaries of engineers, inspectors, superintendents, draftsmen, clerks and messengers of the outside service | 419,000 00 | |
| | For operation and maintenance of inspection boats | 20,000 00 | |
| | Maintenance and operation of water storage dams on Ottawa River and tributaries, surveys and settlement of land damages | 33,800 00 | |
| | National Gallery of Canada | 39,000 00 | |
| | National Monument on Connaught Place, including expense of setting up and preliminary exhibition in England | 30,000 00 | |
| | River gauging and metering | 25,000 00 | |
| | Surveys and inspections | 40,000 00 | |
| | Balance of expenditure for works already authorized, provided amount of any one does not exceed $200.00 | 5,000 00 | |
| | | 699,100 00 | |
| | | | 12,138,000 00 |
| | MAIL SUBSIDIES AND STEAMSHIP SUBVENTIONS | | |
| | ATLANTIC OCEAN | | |
| 139 | Canada and the United Kingdom, on the Atlantic, service between | 535,000 00 | |
| | Canada and South Africa, service between | 112,500 00 | |

## SCHEDULE A—*Continued*

| No. of Vote | Service | Amount | Total |
|---|---|---|---|
| | | $ cts. | $ cts. |
| | **MAIL SUBSIDIES AND STEAMSHIP SUBVENTIONS—*Concluded*** | | |
| | PACIFIC OCEAN | | |
| | British Columbia and Australia, and/or China, service between | 31,000 00 | |
| | Canada, China and Japan, service between | 659,000 00 | |
| | Canada and New Zealand, on the Pacific, service between | 75,000 00 | |
| | Prince Rupert, B.C. and Queen Charlotte Island, service between | 15,750 00 | |
| | Vancouver and the British West Indies, service between | 37,350 00 | |
| | Vancouver and Northern ports of British Columbia, service between | 18,600 00 | |
| | Victoria, Vancouver, way ports and Skagway, service between | 12,500 00 | |
| | Victoria and West Coast Vancouver Island, service between | 11,250 00 | |
| | LOCAL SERVICES | | |
| | Charlottetown and Pictou, service between | 30,000 00 | |
| | Charlottetown, Victoria and Holliday's Wharf, service between | 3,500 00 | |
| | Grand Manan and the Mainland, service between | 24,750 00 | |
| | Halifax and Bay St. Lawrence, service between | 2,880 00 | |
| | Halifax, Canso and Guysboro, service between | 6,750 00 | |
| | Halifax and Sherbrooke, service between | 1,000 00 | |
| | Halifax, South Cape Breton and Bras d'Or Lake Ports, service between | 3,750 00 | |
| | Halifax, Spry Bay and Cape Breton ports, service between | 4,500 00 | |
| | Halifax and West Coast of Cape Breton, service between | 4,500 00 | |
| | Ile aux Coudres and Les Eboulements, service between | 1,875 00 | |
| | Mainland, Miscou and Shippigan, service between | 1,000 00 | |
| | Mulgrave, Arichat and Petit de Grat, service between | 11,250 00 | |
| | Mulgrave and Canso, service between | 20,550 00 | |
| 139 | Mulgrave and Guysboro, calling at intermediate ports, service between | 10,500 00 | |
| | Murray Bay and North Shore, winter service between | 35,000 00 | |
| | Newcastle, Neguac and Escuminac, calling at intermediate ports on the Miramichi River and Bay, service between | 2,250 00 | |
| | Parrsboro, Kingsport and Wolfville, service between | 2,500 00 | |
| | Pelee Island and the Mainland, service between | 8,250 00 | |
| | Pictou, Mulgrave and Cheticamp, service between | 8,250 00 | |
| | Pictou, Souris and the Magdalen Islands, service between | 37,500 00 | |
| | Quebec, Natashquan and Harrington, service between | 63,750 00 | |
| | Quebec, or Montreal, and Gaspe, calling at way ports, service between | 45,000 00 | |
| | Rimouski and Matane, and points on the north shore of the Lower St. Lawrence, service between | 37,500 00 | |
| | Rivière du Loup and Tadoussac, and other North Shore ports, service between | 6,000 00 | |
| | St. Catherine's Bay and Tadoussac, service between | 2,500 00 | |
| | St. John and Bear River, and other way ports, service between | 1,000 00 | |
| | St. John and Digby, service between | 10,000 00 | |
| | St. John, Digby, Annapolis and Granville, service between | 1,000 00 | |
| | St. John and Margaretville, and other ports on the Bay of Fundy, service between | 3,000 00 | |
| | St. John and Minas Basin ports, service between | 3,750 00 | |
| | St. John and St. Andrews, calling at way ports, service between | 3,000 00 | |
| | St. John, Westport and Yarmouth, and other way ports, service between | 13,500 00 | |
| | Summerville, Burlington and Windsor, N.S., service between | 750 00 | |
| | Sydney and Bay St. Lawrence, calling at way ports, service between | 18,750 00 | |
| | Sydney and Bras d'Or Lake ports and ports on the west coast of Cape Breton, service between | 13,500 00 | |
| | Sydney and Whycocomagh, service between | 12,000 00 | |
| | Inspection of subsidized steamship services | 4,700 00 | |
| | | | 1,968,205 00 |

## SCHEDULE A—*Continued*

| No. of Vote | Service | Amount | Total |
|---|---|---|---|
| | | $ cts. | $ cts. |
| | OCEAN AND RIVER SERVICE | | |
| 140 | Maintenance and repairs to Dominion steamers and icebreakers. | 1,521,000 00 | |
| 141 | Miscellaneous services relating to Navigation and Shipping.... | 37,000 00 | |
| 142 | Amount required to reimburse the British Board of Trade for expenditures incurred in the relief of distressed Canadian seamen not authorized by the Canada Shipping Act..... | 300 00 | |
| 143 | To provide subsidies for wrecking plants—Quebec and British Columbia..... | 40,000 00 | |
| 144 | Miscellaneous and unforeseen expenses..... | 9,000 00 | |
| 145 | Life Saving Service, including rewards for saving life..... | 50,000 00 | |
| 146 | Hydrographic and Tidal and Current Surveys, and to provide for the maintenance and repair of Hydrographic Steamers.. | 468,000 00 | |
| 147 | To provide for the construction of a new steamer for Hydrographic Surveys..... | 147,000 00 | |
| 148 | Radio Service, to provide for the construction and maintenance of radio ship to shore stations and the general administration of the provisions of the Radio Act and Regulations throughout the Dominion..... | 716,000 00 | |
| 149 | Radio Service, to provide for the general improvement of reception conditions to licensed broadcast listeners..... | 180,400 00 | |
| 150 | To provide for compassionate allowance to Lawrence Larson, formerly employed as Caretaker at the Esquimalt Workshop of the Radiotelegraph Service..... | 500 00 | |
| 151 | To provide for compassionate allowance to Albertine Vincent Bachand, widow of Georges Alphonse Bachand, Officer-in-Charge of C.G.S. *Cartier* and Gulf of St. Lawrence Hydrographic Survey, who was drowned while on duty on June 8, 1931..... | 1,000 00 | |
| 152 | To provide for compassionate allowance to Chrysologue Carbonneau, father and dependent of Hector Carbonneau, Seaman, who was drowned while on duty on June 8, 1931..... | 1,000 00 | |
| 153 | To provide for compassionate allowance to Madame Honore Landry, widowed mother of Louis Landry, Seaman, who was drowned whle on duty on June 8, 1931..... | 1,000 00 | |
| 154 | Amount required to provide for the construction or acquisition of a tug and fire boat for service in the Harbour of Quebec (revote)..... | 225,000 00 | |
| | | | 3,397,200 00 |
| | PUBLIC WORKS | | |
| | *(Chargeable to Capital)* | | |
| | MARINE DEPARTMENT | | |
| 155 | River St. Lawrence Ship Chaanel, dredging, including the maintenance and operation of Sorel Shipyard..... | 3,518,000 00 | |
| | | | 3,518,000 00 |
| | LIGHTHOUSE AND COAST SERVICE | | |
| 156 | Agencies, Rents and Contingencies..... | 203,000 00 | |
| 157 | Construction, maintenance and supervision of aids to navigation, including salaries and allowances to lightkeepers..... | 1,860,000 00 | |
| 158 | Amount required to pay compassionate allowance to John Davidson, formerly lightkeeper at Cape Mudge, B.C..... | 500 00 | |
| 159 | To provide for compassionate allowance to recoup the Workmen's Compensation Board of Britsh Columbia in continuation of a pension granted and to be paid by that Board up to the 31st March, 1933, in the sum of $35 per month, to the widow of the late E. J. McCoskrie, who was formerly employed as Port Warden at Prince Rupert, B.C., and who was killed while in the performance of his duties..... | 420 00 | |

## SCHEDULE A—*Continued*

| No. of Vote | Service | Amount | Total |
|---|---|---|---|
| | | $ cts. | $ cts. |
| | LIGHTHOUSE AND COAST SERVICE—*Concluded* | | |
| 160 | Marine Signal Service | 99,000 00 | |
| 161 | Administration of Pilotage | 218,000 00 | |
| 162 | Maintenance and Repairs to Wharves | 5,000 00 | |
| 163 | To provide for breaking ice in Thunder Bay, Lake Superior and other points deemed advisable in the interests of navigation as required by contracts | 44,000 00 | |
| 164 | Amount required to pay pensions to pilots—Barthelemi Lachance, Alphonse Asselin, Elzear Desrosiers, Joseph Plante, Victor Vezina, Raymond Baquet, Alfred Larochelle, Alphonse Pouliot, Theophile Corriveau, Treffle Delisle, Adjutor Baillergeon, Joseph Pouliot, Arthur Baillergeon, John I. Irvine, Elzear Norman, Phileas Lachance, Arthur Koenig, J. Alphonse Lachance, Raoul Lachance, J. Eugene Lachance, J. H. Talbot, J. B. Bernier, Jules Asselin, Joseph Vezina | 7,200 00 | |
| | | | 2,437,120 00 |
| | SCIENTIFIC INSTITUTIONS | | |
| | DEPARTMENT OF THE INTERIOR | | |
| | *Scientific Institutions* | | |
| 165 | Expenses connected with the Dominion Observatory at Ottawa | 50,000 00 | |
| | Expenses connected with the Dominion Astrophysical Observatory at Victoria, B.C. | 20,600 00 | |
| | *Topographical Surveys* | | |
| 166 | Topographical and aerial surveys and maps for the general development and administration of the country, including hydroelectric, forested, mineralized, agricultural and industrial areas; expenses of Geographic Board of Canada; centralization of all aerial photographic operations in co-operation with the Royal Canadian Air Force; traverse of northern rivers and lakes for administration of Northwest Territories; legal surveys of all remaining Dominion Lands; surveys for administration of Dominion Parks; certifying of standard measures; plotting and printing of maps and plans, etc. | 133,500 00 | |
| | Amount required to pay the fees of the Board of Examiners for D.L.S. of the Secretary and of the sub-examiners and for travelling expenses, stationery, printing, rent of room and furniture, etc. (the fees of Messrs. F. H. Peters, W. M. Tobey and Harry Parry, members of the Board, and J. A. Cote, Secretary, are to be paid out of this sum) | 1,800 00 | |
| | *Geodetic Survey of Canada* | | |
| 167 | Control operations—triangulation, geodetic astronomy, base lines, precise levelling and investigations—for the charting of sea coasts, water areas, and forming a basis for the production of all survey maps and for pursuing investigations of the earth's crust | 139,000 00 | |
| | To recoup the Temiskaming and Northern Ontario Railway Commission in connection with their claim for injury to John Hedin | 240 00 | |
| | *International Boundaries* | | |
| 168 | Expenses connected with the survey and demarcation of International Boundaries | 28,000 00 | |
| | DEPARTMENT OF MARINE | | |
| 169 | *Meteorological Service*, including Magnetic Observatory, grants of $450 each to Kingston and Montreal Observatories, and allowance of $360 to L. F. Gorman, Observer at Ottawa.. | 241,000 00 | |
| | | | 614,140 00 |

# SCHEDULE A—*Continued*

| No. of Vote | Service | Amount | Total |
|---|---|---|---|
| | | $ cts. | $ cts. |
| | **STEAMBOAT INSPECTION** | | |
| 170 | Steamboat Inspection | 121,000 00 | 121,000 00 |
| | **FISHERIES** | | |
| 171 | Salaries and disbursements of Fishery Officers and Guardians, Fisheries Patrol and Fisheries Protection Services | 1,022,000 00 | |
| 172 | Building fishways and clearing rivers | 18,900 00 | |
| 173 | Legal and incidental expenses | 6,000 00 | |
| 174 | To assist in the conservation and development of the deep sea fisheries and the demand for fish | 136,000 00 | |
| 175 | Fish Culture | 316,000 00 | |
| 176 | Oyster Culture | 11,000 00 | |
| 177 | To provide for the payment of bounty for the destruction of hair seals in tidal waters | 40,000 00 | |
| 178 | To provide for an investigation into the life history of the Pacific halibut by the International Fisheries Commission appointed by the Pacific Halibut Treaty of the 2nd of March, 1923 | 29,500 00 | |
| 179 | Marine Biological Board of Canada | 192,000 00 | |
| 180 | To provide, subject to the approval of the Governor-in-Council, for a grant to the United Maritime Fishermen | 4,500 00 | |
| 181 | To provide for an investigation by an International Committee into the probable effect upon the fisheries of the Lower Bay of Fundy Region, of damming Passamaquoddy and Cobscook Bays in New Brunswick, and Maine, U.S.A | 21,000 00 | |
| 182 | To provide for the payment to the Leonard Fisheries, Ltd., of trawler licence fees, the collection of which was declared to be *ultra vires* of Dominion authority by the Exchequer Court of Canada | 5,856 36 | 1,802,756 36 |
| | **MINES AND GEOLOGICAL SURVEY** | | |
| | *Department* | | |
| 183 | For organization and equipment of the Explosives Division, under the Explosives Act, (Chap. 62 R.S. 1927) | 10,000 00 | |
| | *Mines Branch* | | |
| 184 | For investigation of mineral resources and deposits; of the mining and metallurgical industries, and of mineral technology; wages, expenses of testing and research laboratories, investigations by Dominion Fuel Board, including salaries and all other expenses | 238,500 00 | |
| | For publications, English and French, purchase of books, instruments, miscellaneous assistance and contingencies | 25,000 00 | |
| | *Dominion of Canada Assay Office* | | |
| 185 | For maintenance of Assay Office, Vancouver, B.C | 16,000 00 | |
| | *Geological Survey* | | |
| 186 | For explorations, surveys and investigations, wages of explorers, topographers and others | 142,500 00 | |
| | For publication of English and French editions of reports, maps, illustrations, etc | 42,000 00 | |
| | For maintenance of Offices and Museum, expenses of special exhibitions pertaining to natural resources, purchase of instruments, chemicals, books of reference, miscellaneous assistance and contingencies | 42,500 00 | |
| | For Museum equipment | 8,000 00 | |
| | For purchase of specimens | 1,000 00 | 525,500 00 |

## SCHEDULE A—*Continued*

| No. of Vote | Service | Amount | Total |
|---|---|---|---|
| | | $ cts. | $ cts. |
| | **LABOUR** | | |
| 187 | Annuities Act | 32,000 00 | |
| 188 | Combines Investigation Act | 25,000 00 | |
| 189 | Conciliation and Labour Act | 39,000 00 | |
| 190 | Administration, Employment Offices' Co-ordination Act | 15,000 00 | |
| 191 | Fair Wages and Inspection | 15,000 00 | |
| 192 | Industrial Disputes Investigation Act | 15,000 00 | |
| 193 | International Labour Conference | 15,000 00 | |
| 194 | Administration, Old Age Pensions Act | 7,000 00 | |
| 195 | Technical Education Act, Miscellaneous and Unforeseen | 4,000 00 | |
| | | | 167,000 00 |
| | **PUBLIC PRINTING AND STATIONERY** | | |
| 196 | Printing, binding, etc., the Annual Statutes | 15,000 00 | |
| 197 | Canada Gazette | 35,000 00 | |
| 198 | Plant—Repairs and renewals | 30,000 00 | |
| 199 | Distribution of Parliamentary Documents | 46,500 00 | |
| 200 | Printing and binding official publications for sale and distribution to departments and the public | 40,000 00 | |
| | | | 166,500 00 |
| | **INDIANS** | | |
| 201 | To provide for expenses connected with the administration of Indian Affairs, including salaries, supplies, relief, medical attendance, hospitalization, dwellings, agricultural activities, surveys, roads, bridges, irrigation, dyking, education, etc., and a grant of $100,000 approved by Parliament in the session of 1926-27 | 3,873,000 00 | |
| | | | 3,873,000 00 |
| | **ROYAL CANADIAN MOUNTED POLICE** | | |
| 202 | Pay of Force (including salaries of two Constables, Ellesmere Island District, at $2.25 per diem, to insure Department against loss through death) | 1,740,595 75 | |
| | Maintenance (including subsistence, billeting, travelling expenses, forage, fuel and light, clothing, repairs and renewals, horses, ammunition, stationery, etc., medical, hospital, etc., transportation and freight, building repairs and renewals, establishment of new detachments, contingencies and criminal investigations) | 1,964,000 00 | |
| | To compensate members of the Royal Canadian Mounted Police for injuries received in the performance of duty | 10,000 00 | |
| | To assist in the enforcement of federal statutes (expenditure chargeable to this vote shall be in connection with such federal police duties as may be defined by the Governor in Council, upon recommendation of the Minister of Justice) | 75,000 00 | |
| | To provide for special services in connection with the enforcement of the Opium and Narcotic Drug Act | 50,000 00 | |
| | | | 3,839,595 75 |

## SCHEDULE A—Continued

| No. of Vote | Service | Amount | Total |
|---|---|---|---|
| | | $ cts. | $ cts. |
| | **LABOUR** | | |
| 187 | Annuities Act | 22,000 00 | |
| 188 | Combines Investigation Act | 23,000 00 | |
| 189 | Conciliation and Labour Act | 23,000 00 | |
| 190 | Administration, Employment Offices' Co-ordination Act | 15,000 00 | |
| 191 | Fair Wages and Inspection | 15,000 00 | |
| 192 | Industrial Disputes Investigation Act | 15,000 00 | |
| 193 | International Labour Conference | 15,000 00 | |
| 194 | Administration, Old Age Pensions Act | 7,000 00 | |
| 195 | Technical Education Act, Miscellaneous and Unforeseen | 4,000 00 | |
| | | | 187,000 00 |
| | **PUBLIC PRINTING AND STATIONERY** | | |
| 196 | Printing, binding, etc., the Annual Statutes | 15,000 00 | |
| 197 | Canada Gazette | 35,000 00 | |
| 198 | Plant—Repairs and renewals | 30,000 00 | |
| 199 | Distribution of Parliamentary Documents | 40,500 00 | |
| 200 | Printing and binding official publications for sale and distribution to departments and the public | 40,000 00 | |
| | | | 160,500 00 |
| | **INDIANS** | | |
| 201 | To provide for expenses connected with the administration of Indian Affairs, including salaries, supplies, relief, medical attendance, hospitalization, dwellings, agricultural activities, surveys, roads, bridges, irrigation, drying, education, etc., and a grant of $100,000 approved by Parliament in the session of 1926-27 | 3,522,000 00 | |
| | | | 3,873,000 00 |
| | **ROYAL CANADIAN MOUNTED POLICE** | | |
| | Pay of Force (including salaries of two Constables, Ellesmere Island District, at $2.25 per diem, to insure Department against loss through death) | 1,740,585 75 | |
| | Maintenance (including subsistence, billeting, travelling expenses, forage, fuel and light, clothing, repairs and renewals, horses, ammunition, stationery, etc., medical, hospital, etc., transportation and freight, building repairs and renewals, establishment of new detachments, contingencies and criminal investigations) | 1,964,000 00 | |
| 202 | To compensate members of the Royal Canadian Mounted Police for injuries received in the performance of duty | 10,000 00 | |
| | To assist in the enforcement of federal statutes (expenditure chargeable to this vote shall be in connection with such federal police duties as may be defined by the Governor in Council, upon recommendation of the Minister of Justice) | 75,000 00 | |
| | To provide for special services in connection with the enforcement of the Opium and Narcotic Drug Act | 50,000 00 | |
| | | | 3,[illegible] 75 |

# SCHEDULE A—*Continued*

| No. of Vote | Service | Amount | Total |
|---|---|---|---|
| | | $ cts. | $ cts. |
| | **GOVERNMENT OF THE NORTHWEST TERRITORIES** | | |
| | DEPARTMENT OF THE INTERIOR | | |
| 203 | Salaries and expenses connected with the administration of the Territories, including investigation work, schools, hospitals, relief to destitute, maintenance of prisoners and insane patients, administration of the North West Game Act and the Wood Buffalo Park, etc. | 127,560 00 | |
| | Arctic Explorations and administration of Eskimo affairs, salaries and contingencies, equipment and supplies; relief to destitute; schools; hospitals and medical services; maintenance of prisoners and insane patients; education; travelling expenses, etc. | 82,560 00 | |
| | Expenses connected with the maintenance of reindeer station at Kittigazuit, N.W.T. | 20,000 00 | |
| | DEPARTMENT OF NATIONAL DEFENCE | | |
| 204 | *Radio Services*—For the maintenance and operation of the Northwest Territories Radio System | 167,000 00 | |
| | | | 397,120 00 |
| | **GOVERNMENT OF THE YUKON TERRITORY** | | |
| 205 | Salaries and expenses connected with the administration of the Territory, including surveys | 57,500 00 | |
| | Grant to Yukon Council for local purposes, the construction and maintenance of roads, and to provide for the payment of bounty on wolves and coyotes under the provisions of an ordnance enacted by the Commissioner in Council, the sum to be paid not to exceed $20 each for wolves and $10 each for coyotes, the pelts of the animals on which bounty is paid to be surrendered to the Government. The proceeds of the sale of such pelts is to be placed to the credit of the Consolidated Revenue Fund of Canada | 105,000 00 | |
| | | | 162,500 00 |
| | **DOMINION LANDS AND PARKS** | | |
| 206 | Dominion Lands, Seed Grain, Mining Lands and Ordnance, Admiralty and Public Lands, Salaries and Expenses, etc. | 90,600 00 | |
| | To assist in publishing the transactions of the association of Dominion Land Surveyors | 125 00 | |
| | Advancement of forest conservation in Canada | 254,000 00 | |
| | Administration of the Migratory Birds Convention Act | 50,000 00 | |
| | Grant to Canadian Forestry Association | 1,800 00 | |
| | Investigations of water and power resources and of International Waterway problems, the Dominion Hydrometric Survey, and for the administration of the Dominion Water Power and Irrigation Acts, etc. | 175,000 00 | |
| | Amount required to meet expenses of Lake of the Woods Control Board | 7,500 00 | |
| | To provide for the expenses connected with the National Parks of Canada, historic sites, care of indigents in the Parks, the appointment of Stipendiary Magistrates in the Parks and the payment of their remuneration, etc. | 1,100,000 00 | |
| | To provide for the construction of the Golden-Revelstoke Highway | 271,900 00 | |
| | Scientific investigations relating to Canadian development and geography; preparation, printing, engraving and lithographing of economic or geographic reports and maps; salaries, etc. | 75,000 00 | |
| | Costs of litigation and legal expenses | 12,000 00 | |

## SCHEDULE A—*Continued*

| No. of Vote | Service | Amount | Total |
|---|---|---|---|
| | | $ cts. | $ cts. |
| | DOMINION LANDS AND PARKS—*Concluded* | | |
| | To pay Mrs. E. S. Forbes a compassionate allowance equal to one-half of the salary of her husband, payable monthly.... | 1,050 00 | |
| | To provide for a refund of amount paid in 1928 on behalf of the Central Manitoba Mines, Limited, being royalty on gold obtained from mineral claims in the Province of Manitoba | | |
| 206 | and acquired under the provisions of the Quartz Mining Regulations.... | 1,916 37 | |
| | To provide for expenses in connection with determination of location and boundaries of Ordnance and Admiralty Lands in the Province of British Columbia.... | 3,000 00 | |
| | To provide amounts required for expropriation of areas for right-of-way on the Savona-Port Moody section of the main line of the Canadian Pacific Railway, also on the Pembina and Stonewall Branches of the same road.... | 2,500 00 | |
| | | | 2,046,391 37 |
| | PENSIONS AND NATIONAL HEALTH | | |
| 207 | Care of patients and medical examination respecting pension.... | 2,200,000 00 | |
| 208 | Salaries— | | |
| | Administrative.... | 1,333,000 00 | |
| | Insurance.... | 35,000 00 | |
| | Hospitals and clinics.... | 1,567,000 00 | |
| 209 | Compensation (Pay and Allowances).... | 1,950,000 00 | |
| 210 | Unemployment relief.... | 1,250,000 00 | |
| 211 | Operating expenses and working capital.... | 400,000 00 | |
| 212 | Employers' liability compensation.... | 50,000 00 | |
| 213 | Sheltered employment.... | 70,000 00 | |
| 214 | Grant to Canadian Legion, British Empire Service League.... | 10,000 00 | |
| 215 | Grant to Last Post Fund.... | 35,000 00 | |
| 216 | Pension Tribunal.... | 65,700 00 | |
| 217 | Pension Appeal Court.... | 19,800 00 | |
| 218 | War Veterans' allowances.... | 1,300,000 00 | |
| 219 | War Veterans' Allowance Committee.... | 14,400 00 | |
| | *National Health* | | |
| 220 | The administration of the Acts respecting Food and Drugs, Opium and Narcotic Drugs and Proprietary or Patent Medicines, including the Laboratory of Hygiene.... | 140,000 00 | |
| 221 | Public Health Engineering.... | 15,000 00 | |
| 222 | Marine Hospitals, including burial expenses of destitute, deceased mariners and grants to institutions assisting sailors.. | 208,200 00 | |
| 223 | Quarantine: salaries and contingencies of organized districts, public health in other districts, Tracadie and Bentinck Island Lazarettoes and Leprosy generally.... | 192,000 00 | |
| 224 | Immigration medical inspection.... | 163,200 00 | |
| | | | 11,018,300 00 |
| | EXTERNAL AFFAIRS | | |
| | LONDON | | |
| 225 | Salaries and expenses of the Office of the High Commissioner for Canada, including $1,800 additional salary for the High Commissioner to that authorized by Chap. 15, R.S.C.... | 123,660 00 | |
| | WASHINGTON | | |
| 226 | Representation, including salaries and allowances for Minister Plenipotentiary, Secretaries and Staff, notwithstanding anything to the contrary in the Civil Service Act, or any of its amendments.... | 92,900 00 | |

# SCHEDULE A—*Continued*

| No. of Vote | Service | Amount | Total |
|---|---|---|---|
| | | $ cts. | $ cts. |
| | EXTERNAL AFFAIRS—*Concluded* | | |
| | PARIS | | |
| 227 | Representation, including salaries and allowances for Minister Plenipotentiary, Secretaries and staff, notwithstanding anything to the contrary in the Civil Service Act, or any of its amendments | 75,700 00 | |
| | TOKYO | | |
| 228 | Representation, including salaries and allowances for Minister Plenipotentiary, Secretaries and staff, notwithstanding anything to the contrary in the Civil Service Act, or any of its amendments | 75,900 00 | |
| | GENEVA | | |
| 229 | Salaries and expenses of the Office of the Canadian Advisory Officer | 22,000 00 | |
| 230 | Canada's contribution to the expenses of the League of Nations for 1932, including Secretariat, International Labour Organization, and Permanent Court of International Justice | 220,613 94 | |
| 231 | Expenses of Canadian Delegates to the Assembly, Council and Commissions of the League of Nations | 17,000 00 | |
| 232 | Publications of League of Nations for distribution to Members of Parliament, and a grant to the League of Nations Society in Canada | 3,000 00 | |
| | | | 630,773 94 |
| | MISCELLANEOUS | | |
| 233 | To provide for hospitality in connection with Foreign Visitors | 12,000 00 | |
| 234 | To provide for the arbitration expenses—"I'm Alone" case (Revote) | 9,000 00 | |
| 235 | To provide for expenses in connection with the Imperial Economic Conference | 250,000 00 | |
| 236 | Grant in aid of the Canadian General Council of the Boy Scouts Association | 10,000 00 | |
| 237 | Subscription to publications of the Empire Parliamentary Association to be distributed to members of the House of Commons | 2,000 00 | |
| 238 | Grant to the Dominion Council of Girl Guides | 5,400 00 | |
| 239 | Expenses in connection with the negotiation of treaties | 10,000 00 | |
| 240 | Contribution to aid in carrying on the work of the Royal Astronomical Society | 1,800 00 | |
| 241 | Royal Canadian Academy of Arts | 2,250 00 | |
| 242 | Grant to the Royal Society of Canada | 5,000 00 | |
| 243 | Grant to the Montreal Association for the Blind | 4,500 00 | |
| 244 | Grant to l'Institut Nazareth de Montreal to assist in work with the blind | 4,500 00 | |
| 245 | Amount required to provide for grants to be made to the Provinces of— | | |
| | Nova Scotia | 875,000 00 | |
| | New Brunswick | 600,000 00 | |
| | Prince Edward Island | 125,000 00 | |
| | pending consideration of Provincial subsidies. | | |
| 246 | To provide for expenses of the Comptroller of the Treasury's office; also, when approved by Treasury Board, on the recommendation of the Comptroller of the Treasury, for unforeseen expenses and emergency expenditure in connection with the public service, a detailed list of such Treasury Board approvals to be laid before Parliament within fifteen days of the next Session | 300,000 00 | |
| 247 | To provide for the administration of the Royal Canadian Mint, including salaries, contingencies, retiring and other allowances, and general expenses | 182,400 00 | |

## SCHEDULE A—*Continued*

| No. of Vote | Service | Amount | Total |
|---|---|---|---|
| | | $ cts. | $ cts. |
| | MISCELLANEOUS—*Concluded* | | |
| 248 | To provide for salaries and expenses of the Tariff Board—Payments may be made notwithstanding anything in the Civil Service Act or regulations thereunder | 120,000 00 | |
| 249 | To provide for expenses of the Royal Commission on the Public Service (revote) | 19,773 65 | |
| 250 | To provide for the expenses of work in the interests of fire prevention to be carried on by the Department of Insurance | 9,300 00 | |
| 251 | To provide for salaries and expenses of the office of the Salvage Officer, including L. H. Beer at $4,500 | 13,800 00 | |
| 252 | Chief Electoral Officer—Salaries and contingencies of office | 15,140 00 | |
| 253 | To pay Mrs. E. B. Hutcheson as Matron, notwithstanding the fact that, owing to advanced age, she may not be able to continue the regular performance of such duties, in recognition of the valuable services rendered by her late husband as Exhibition Commissioner | 1,200 00 | |
| 254 | To provide for the Administration of the Bankruptcy Act | 2,000 00 | |
| 255 | Expenses of litigated matters—Department of Justice | 25,000 00 | |
| 256 | Annual contribution to the Canadian Law Library, London, England | 500 00 | |
| 257 | Loan to Harbour Commissioners of Montreal with interest at a rate to be fixed by the Governor in Council, for such period and upon such terms and conditions as the Governor in Council may determine, and to be applied in payment of deficits resulting from the operations of the Montreal Harbour Bridge | 528,500 00 | |
| 258 | Grant to the Imperial Institute | 9,733 33 | |
| 259 | To provide for payments in connection with movements of coal under conditions prescribed by the Governor in Council and for the cost of administration thereof | 1,100,000 00 | |
| 260 | Battlefields Memorials | 146,800 00 | |
| 261 | Grant to the Canadian Council on Child and Family Welfare | 9,000 00 | |
| 262 | Grant to the Canadian National Institute for the Blind | 18,000 00 | |
| 263 | Grant to the Canadian Tubereulosis Association | 22,500 00 | |
| 264 | Grant to Canadian National Committee for Mental Hygiene | 9,000 00 | |
| 265 | Grant to the Victorian Order of Nurses | 9,000 00 | |
| 266 | Grant to assist the Canadian Branch of the St. John Ambulance Association | 4,500 00 | |
| 267 | Grant to the Canadian Red Cross Society | 9,000 00 | |
| 268 | Grant to the Interparliamentary Union | 540 00 | |
| 269 | To provide for the payment of salaries and expenses in connection with the St. Lawrence Ship Canal Surveys and Investigations, including D. W. McLachlan at $1,350, and G. W. Yates at $1,080 as secretary (Revote $12,000) | 46,500 00 | |
| 270 | Grant to the Chief Constables' Association of Canada | 450 00 | |
| 271 | Patent Record | 25,000 00 | |
| 272 | International Office for the protection of Industrial Property, International Copyright Union Office and Union for the Protection of Literary and Artistic Works | 2,000 00 | |
| 273 | Public Archives | 68,500 00 | |
| 274 | Expenses under the Canada Temperance Act | 1,000 00 | |
| 275 | Expenses under the Naturalization Act | 31,500 00 | |
| 276 | To provide, subject to the approval of the Treasury Board, for salaries, reclassifications and increases | 500,000 00 | |
| | | | 5,147,086 98 |
| | NATIONAL REVENUE | | |
| | Salaries and contingent expenses of the several Ports in the Dominion, including pay for overtime of officers, notwithstanding anything in the Civil Service Act, and temporary buildings and rentals | 6,600,000 00 | |
| | Salaries and travelling expenses of officers of the Inspection, Investigation and Audit Services | 692,000 00 | |
| 277 | Miscellaneous, including printing and stationery; subscriptions to commercial papers; flags; dating stamps, locks; instruments; express charges on samples; legal forms; legal expenses; premiums on guarantee bonds; uniforms for Customs-Excise Officers; laboratory equipment and supplies, etc | 625,000 00 | |

SCHEDULE A—Continued

| No. of Vote | Service | Amount | Total |
|---|---|---|---|
| | MISCELLANEOUS—Concluded | $ cts. | $ cts. |
| 248 | To provide for salaries and expenses of the Tariff Board—Temporary employees may be made notwithstanding anything in the Civil Service Act or regulations thereunder | 120,000 00 | |
| 249 | To provide for expenses of the Royal Commission on the Public Service (Lavoie) | 18,775 62 | |
| 250 | To provide for the expenses of work in the interests of fire prevention to be carried on by the Department of Insurance | 9,300 00 | |
| 251 | To provide for salaries and expenses of the office of the Dairy Commissioner, including [illegible] at $4,500 | 13,920 00 | |
| 252 | Chief Electoral Officer—Salaries and contingencies of office | 18,140 00 | |
| 253 | To pay Mrs. E. B. Eddy[illegible] as Matron, notwithstanding that she, owing to advanced age, may not be able to continue the regular performance of such duties, is [illegible] duties of the [illegible] service rendered by her late husband | 1,000 00 | |
| 254 | Exhibition Commission— | | |
| 255 | To provide for the Administration of the Meat Inspection Act | 2,000 00 | |
| 256 | Expenses of [illegible] matters—Department of Justice | 25,000 00 | |
| 257 | Annual contribution to the Canadian Law Library, Ligue[illegible] | 500 00 | |
| 258 | Loan to Harbour Commissioners of Montreal with interest at a rate to be fixed by the Governor in Council, for such period and upon such terms and conditions as the Governor in Council may determine, and to be applied in payment of debts resulting from the operations of the Montreal Harbour Bridge | 850,000 00 | |
| 259 | Grant to the Imperial Institute | 6,720 32 | |
| 260 | To provide for payments in connection with movements of coal under conditions prescribed by the Governor in Council and for the cost of administration thereof | 1,500,000 00 | |
| 261 | Instruments Merchants | 148,800 00 | |
| 262 | Grant to the Canadian Council on Child and Family Welfare | 2,000 00 | |
| 263 | Grant to the Canadian National Institute for the Blind | 15,000 00 | |
| 264 | Grant to the Canadian Tuberculosis Association | 25,000 00 | |
| 265 | Grant to Canadian National Committee for Mental Hygiene | 6,000 00 | |
| 266 | Grant to the Victorian Order of Nurses | 8,000 00 | |
| 267 | Grant to assist the Canadian Branch of the St. John Ambulance Association | 4,500 00 | |
| 268 | Grant to the Canadian Red Cross Society | 5,000 00 | |
| 269 | Grant to the Therapeutic Clinic | 600 00 | |
| 270 | To provide for the payment of salaries and expenses in connection with the St. Lawrence Ship Canal Surveys and Investigations, including D. W. McLachlan at $12,000, and C. W. Lyon at $7,000 as secretary (Lyons 212 [illegible]) | 20,000 00 | |
| 271 | Grant to the Child Guidance Association of Canada | 600 00 | |
| 272 | Patent Branch— | | |
| 273 | Interpretation, Defence of Industrial Property, International Copyright Union Dues and Union for the Protection of Literary and Artistic Works | 2,000 00 | |
| 274 | Public Archives | 50,000 00 | |
| 275 | Expenses under the Canada Temperance Act | 1,000 00 | |
| 276 | Expenses under the Naturalization Act | 1,500 00 | |
| 277 | To provide, subject to the approval of the Treasury Board, for salaries, reclassifications and increases | 500,000 00 | |
| | | | 5,147,986 32 |

NATIONAL REVENUE

| | | | |
|---|---|---|---|
| | Salaries and contingent expenses of the several Ports in the Dominion, including pay for overtime of officers, assisting, boarding, superintending in the Civil Service Act, and temporary building and rentals | 6,600,000 00 | |
| | Salaries and travelling expenses of officers of the Inspection, Weights and Gauges Service | 600,000 00 | |
| 277 | Miscellaneous, including printing and stationery, advertising to commercial papers, flags, during stamps, duties, stamps, expenses of customs boards, legal costs, patent, prizes or customs boards, salvaging for Customs Excise Officers, laboratory equipment and supplies, etc. | 650,000 00 | |

## SCHEDULE A—*Continued*

| No. of Vote | Service | Amount | Total |
|---|---|---|---|
| | | $ cts. | $ cts. |
| | NATIONAL REVENUE—*Concluded* | | |
| | To provide for the expenses of the Preventive Service, including maintenance of revenue cruisers, salaries and expenses of officers appointed for the prevention of smuggling and for the investigation of reported frauds against the revenue, the purchase or charter of vessels and the purchase or hire of automobiles to be used in the prevention of smuggling or other offences against the revenue laws | 1,340,000 00 | |
| 277 | Amount to be paid to the Department of Justice, to be disbursed by and accounted for to it, for Secret Preventive Service: to create positions, make appointments and pay salaries and expenses of officers appointed for the prevention of smuggling and to investigate reported frauds against the revenue, notwithstanding anything contained in the Civil Service Act, and the said positions and staff so appointed to be wholly excluded from said Act | 55,000 00 | |
| | To provide for the administration of the Income War Tax Act, 1917, and amendments thereof, and authority for this purpose to create positions and make appointments notwithstanding anything contained in the Civil Service Act, and the said positions and staff so appointed are hereby wholly excluded from the operation of the said Act, and salary of $7,200 for the Commissioner of Income Tax | 1,915,000 00 | |
| | To pay to Captain S. Dunphy, North Sydney, N.S., the whole or such part of the sum of $5,000, deposited by him and by decision of the Minister forfeited to the Crown in re seizure No. 50550/13054, as may be necessary to enable him to defray his costs as respondent on an appeal to the Privy Council from a judgment of the Supreme Court of Canada in his favour in an action for damages brought by him claiming legislation under which seizure was made to be ultra vires | 5,000 00 | |
| | | | 11,232,000 00 |
| | RAILWAYS AND CANALS | | |
| | *(Chargeable to Collection of Revenue)* | | |
| | CANALS | | |
| 278 | Staff and Repairs | 2,828,525 00 | |
| | | | 2,828,525 00 |
| | PUBLIC WORKS | | |
| | *(Chargeable to Collection of Revenue)* | | |
| | GRAVING DOCKS | | |
| 279 | Champlain Graving Dock | 83,000 00 | |
| | Esquimalt Graving Docks | 76,800 00 | |
| | Lorne Graving Dock | 43,000 00 | |
| | Selkirk—Repair Slip | 2,800 00 | |
| | TELEGRAPH AND TELEPHONE LINES | | |
| 280 | Prince Edward Island and Mainland | 7,000 00 | |
| | Land and Cable Telegraph Lines, Lower St. Lawrence and Maritime Provinces | 143,800 00 | |
| | Alberta and Saskatchewan | 91,500 00 | |
| | British Columbia, Vancouver Island District | 95,700 00 | |
| | British Columbia, Northern District | 69,300 00 | |
| | Yukon System—Main Line | 120,700 00 | |
| | Telegraph and Telephone Services Generally | 7,000 00 | |
| | | | 740,600 00 |

## SCHEDULE A—*Concluded*

| No. of Vote | Service | Amount | Total |
|---|---|---|---|
| | | $ cts. | $ cts. |
| | **POST OFFICE—OUTSIDE SERVICE** | | |
| 281 | Salaries and allowances | 15,620,000 00 | |
| | Mail service, including mail service by air | 14,690,000 00 | |
| | Miscellaneous, including $5,000 to provide for payment of compassionate allowances to employees injured while in the performance of their duties or to other persons injured while performing duties in any way connected with the Postal Service or in protecting His Majesty's mails, or to the dependents of such employees or other persons who may be killed while so engaged, payments to be made only on the specific authority of the Governor in Council | 1,000,000 00 | |
| | Yukon Territory | 141,100 00 | |
| | | | 31,451,100 00 |
| | **TRADE AND COMMERCE** | | |
| 282 | The Hemp Bounties Act, 1923, Administration of | 500 00 | |
| 283 | An Act to place Canadian coal used in the manufacture of iron or steel on a basis of equality with imported coal, Administration of | 1,000 00 | |
| 284 | British and Foreign News Service | 32,000 00 | |
| 285 | The Canada Grain Act, including management, operation, maintenance and equipment of elevators, Administration of | 2,400,000 00 | |
| 286 | Commercial Intelligence Service, including miscellaneous expenditure in connection with Canada's Trade | 658,195 00 | |
| 287 | Dominion Bureau of Statistics | 542,000 00 | |
| 288 | Electricity and Gas Inspection Service | 211,000 00 | |
| 289 | Electricity and Fluid Exportation Act | 750 00 | |
| 290 | The Precious Metals Marking Act, Administration of | 5,640 00 | |
| 291 | National Research Council | 410,000 00 | |
| 292 | International Customs Tariffs Bureau | 1,800 00 | |
| 293 | Motion Picture Bureau | 45,000 00 | |
| 294 | Printing of Parliamentary and Departmental Publications, including the "Canada Year Book" | 126,750 00 | |
| 295 | Weights and Measures Inspection Service, including the International Bureau of Weights and Measures | 310,200 00 | |
| 296 | Publicity and advertising in Canada and abroad | 173,500 00 | |
| 297 | Exhibitions and Fairs, including the sum of $750, required by the Department of Immigration and Colonization | 137,000 00 | |
| | | | 5,055,335 00 |
| | **ADJUSTMENT OF WAR CLAIMS** | | |
| 298 | National Defence— | | |
| | Militia Services | 82,000 00 | |
| | Naval Services | 500 00 | |
| | | | 82,500 00 |
| | Total | | *198,652,313 03 |

*Net Total, $146,707,826.92

# SCHEDULE B.

Based on Supplementary Estimates, 1931-32. The amount hereby granted is $2,242,474.83.

SUMS granted to His Majesty by this Act for the financial year ending 31st March, 1932, and the purposes for which they are granted.

| No. of Vote | Service | Amount | Total |
|---|---|---|---|
| | | $ cts. | $ cts. |
| | CANADIAN NATIONAL STEAMSHIPS AND MARITIME FREIGHT RATES ACT | | |
| | CANADIAN NATIONAL (WEST INDIES) STEAMSHIPS, LTD. | | |
| 312 | Loan to the Canadian National (West Indies) Steamships, Limited, repayable on demand with interest at a rate to be fixed by the Governor in Council, upon such terms and conditions as the Governor in Council may determine, and to be applied in payment of:— Deficits in operation of the Company and the vessels under the Company's control during the year ended December 31st, 1931 and interest requirements. Additional amount required in excess of the sum of $755,000.00 already appropriated..... | ..... | 161,568 53 |
| | MARITIME FREIGHT RATES ACT | | |
| 313 | Additional amount, in excess of the sum of $6,631,856 already appropriated, required to provide for the payment from time to time to the Canadian National Railway Company of the deficit in receipts and revenues, occurring during the year 1931, of the Eastern Lines, as provided by the Maritime Freight Rates Act:— *(a)* Amount of the deficit (less that amount thereof occurring on account of the reduction in tolls under the application of the Maritime Freight Rates Act) in the Receipts and Revenues..... | ..... | 2,080,906 30 |
| | Total..... | ..... | 2,242,474 83 |

# SCHEDULE C.

Based on Estimates, 1932-33. The amount hereby granted is $8,440,000.00, being five-sixths of the amount of each item in the said Estimates as contained in this Schedule.

SUMS granted to His Majesty by this Act for the financial year ending 31st March, 1933, and the purposes for which they are granted.

| No. of Vote | Service | Amount | Total |
|---|---|---|---|
| | | $ cts. | $ cts. |
| | CANADIAN NATIONAL STEAMSHIPS AND MARITIME FREIGHT RATES ACT | | |
| | LOAN TO CANADIAN GOVERNMENT MERCHANT MARINE, LTD. | | |
| 314 | Loan to the Canadian National Steamships (Canadian Government Marchant Marine, Limited), repayable on demand with interest at a rate to be fixed by the Governor in Council upon such terms and conditions as the Governor in Council may determine, and to be applied in payment of:— | | |
| | Deficits in operation of the Company and of the vessels under the Company's control during the year ending December 31st, 1932 | 440,000 00 | |
| | LOAN TO CANADIAN NATIONAL (WEST INDIES) STEAMSHIPS, LTD. | | |
| 315 | Loan to the Canadian National (West Indies) Steamships, Limited, repayable on demand with interest at a rate to be fixed by the Governor in Council upon such terms and conditions as the Governor in Council may determine, and to be applied in payment of:— | | |
| | Deficits in operation of the Company and of the vessels under the Company's control, during the year ending December 31st, 1932, and Interest Requirements | 820,600 00 | |
| | | | 1,260,600 00 |
| | MARITIME FREIGHT RATES ACT | | |
| 316 | Amount required to provide for payment from time to time during the fiscal year 1932-33 of the difference, estimated by the Board of Railway Commissioners and certified by the said Board to the Minister of Railways and Canals, as and when required by him, occurring on account of the application of the Maritime Freight Rates Act, between the tariff tolls and the normal tolls (referred to in Section 9 of the said Act) on all traffic moved during 1932, under the tariffs, approved by the following companies:— | | |
| | Canada & Gulf Terminal Railway. | | |
| | Canadian Pacific Railway including: | | |
| | Fredericton & Grand Lake Coal and Railway Co. | | |
| | New Brunswick Coal and Railway Company. | | |
| | Cumberland Railway and Coal Co. | | |
| | Dominion Atlantic Railway. | | |
| | Maritime Coal Railway & Power Co. | | |
| | Sydney & Louisburg Railway. | | |
| | Temiscouata Railway | 900,000 00 | |
| 317 | Amount required to provide for the payment from time to time to the Canadian National Railway Company of the deficit in receipts and revenues, occurring in the year 1932, of the Eastern Lines, as provided by the Maritime Freight Rates Act:— | | |
| | *(a)* Amount of the deficit (less that amount thereof as in the next following paragraph specifically provided for) in the receipts and revenues | 6,217,400 00 | |
| | *(b)* Amount of the deficit in receipts and revenues occurring on account of the reduction in tolls under the application of the Maritime Freight Rates Act | 1,750,000 00 | |
| | | | 8,867,400 00 |
| | Total | | 10,128,000 00 |

# SCHEDULE D.

Based on Supplementary Estimates, 1932-33. The amount hereby granted is $6,620,472.95.

SUMS granted to His Majesty by this Act for the financial year ending 31st March, 1933, and the purposes for which they are granted.

| No. of Vote | Service | Amount | Total |
|---|---|---|---|
| | | $ cts. | $ cts. |
| | CHARGES OF MANAGEMENT | | |
| 318 | Printing, advertising, inspection, express, etc.—Further amount required | | 60,000 00 |
| | CIVIL GOVERNMENT | | |
| 319 | *Auditor General's Office*— Contingencies— Clerical and other assistance—Further amount required | 5,000 00 | |
| 320 | *Post Office*— Salaries— To provide for the appointment of Arthur Lalonde as Solicitor, Post Office Department, at $4,320 per annum, effective April 1, 1932 | 4,320 00 | |
| | Less ten per cent | 432 00 | |
| 321 | *Secretary of State*— Contingencies— Printing and Stationery—Further amount required | 1,592 00 | |
| | | | 10,480 00 |
| | ADMINISTRATION OF JUSTICE | | |
| 322 | Grant to Charles Morse, K.C., Registrar, Exchequer Court of Canada, of the difference between his superannuation allowance and his salary for a period of six months | | 750 00 |
| | PENITENTIARIES | | |
| 323 | Cost of administration, construction, purchase of land, supplies and equipment, maintenance and discharge of inmates of penitentiaries—Further amount required | 100,000 00 | |
| | Additional gratuity to J. C. Ponsford, late Warden, Kingston Penitentiary | 1,326 12 | |
| | | | 101,326 12 |
| | LEGISLATION | | |
| | THE SENATE | | |
| 324 | To provide for the payment of the full sessional indemnity for the session of 1932 to members of the Senate for days lost through absence due to public business, by illness, or on account of death. Payment to be made as the Treasury Board may direct | 10,540 00 | |
| | To provide for further expenses on account of the Beauharnois Special Committee of the Senate | 12,127 15 | |
| | Salaries and contingent expenses—Further amount required | 2,000 00 | |

# SCHEDULE D—*Continued*

| No. of Vote | Service | Amount | Total |
|---|---|---|---|
| | | $ cts. | $ cts. |
| | LEGISLATION—*Concluded* | | |
| | HOUSE OF COMMONS | | |
| | Publishing debates—Further amount required | 20,000 00 | |
| 325 | To provide for the full sessional indemnity to Members of the House of Commons—days lost through absence caused by illness, official public business, or on account of death during the present session—notwithstanding anything to the contrary in Chapter 147 of the Revised Statutes, 1927, An Act respecting the Senate and House of Commons, or any amendments thereto. Payments to be made as the Treasury Board may direct | 25,000 00 | |
| | To purchase, for the use of Senators and Members of Parliament, 360 copies of the Canadian Annual Review, edition of 1931-32 | 2,340 00 | |
| | Estimates of the Sergeant-at-Arms—Further amount required | 7,574 25 | |
| | GENERAL | | |
| 326 | Printing, printing paper and binding—Further amount required | 20,000 00 | |
| | | | 99,581 40 |
| | AGRICULTURE | | |
| 327 | For the erection of an onion warehouse at Kelowna, B.C. (Revote) | 30,000 00 | |
| 328 | Experimental Farms—Further amount required | 50,000 00 | |
| 329 | Administration of the Destructive Insect and Pest Act—Further amount required | 315,000 00 | |
| 330 | Assistance to Fairs and Exhibitions—Further amount required | 90,000 00 | |
| 331 | Health of Animals, administration of the Animal Contagious Diseases Act and the Meat and Canned Foods Act—Further amount required | 250,000 00 | |
| 332 | Fruit—Further amount required | 31,000 00 | |
| 333 | Grant to the Canadian Horticultural Council | 5,000 00 | |
| 334 | Farm Economics—Further amount required | 1,000 00 | |
| 335 | For the payment of grants on account of cold storage warehouses approved for subsidy under the Cold Storage Act, by the Governor General in Council, but afterwards found not to comply with all the provisions of that Act | 125,000 00 | |
| 336 | Compensation for animals tested under the Animal Contagious Diseases Act, and dying before it was possible to slaughter them, under the provisions of the Act, as follows:— | | |
| | Carlyle, Walter, Morewood, Ont | 38 00 | |
| | Beauregard, Emile, St. Christine, Que | 30 00 | |
| | Gauvin, Mrs. Elisee, St. Edwidge, Que | 4 00 | |
| | Whattam, Harry, R. 4, Picton, Ont | 36 00 | |
| | Ladouceur, Jos., St. Edwidge, Que | 4 00 | |
| | Madore, Georges, St. Edwidge, Que | 6 00 | |
| | Proulx, Leo., St. Edwidge, Que | 20 00 | |
| | Chapdelaine, Lionel, St. Edwidge, Que | 6 00 | |
| | Scalabrini, Jos., St. Edwidge, Que | 4 00 | |
| | Boisvert, Jos., St. Hermenegilde, Que | 14 00 | |
| | Gagne, Sylva, St. Edwidge, Que | 20 00 | |
| | Fecteau, Leandre, St. Edwidge, Que | 6 00 | |
| | Marquis, Julien, St. Edwidge, Que | 6 00 | |
| | Gaulin, Edouard, St. Edwidge, Que | 34 00 | |
| | Chapdelaine, Albert, St. Edwidge, Que | 18 00 | |
| | Grandbois, Louis, St. Edwidge, Que | 6 00 | |
| | Lemieux, Jos., Embrun, Ont | 44 00 | |
| | Lynch, W. J., Chesterville, Ont | 38 00 | |
| | Kelly, Murray, Chesterville, Ont | 32 00 | |
| | Eby, Irwin, S. R. 2, Kitchener, Ont | 76 00 | |
| | Strachan, J. F., Miniota, Man | 26 00 | |
| | Scalabrini, Alf., St. Edwidge, Que | 32 00 | |
| | Bell, E. L., Peterboro, Ont | 94 00 | |
| | Gunter, A. L., White's Cove, N.B | 20 00 | |
| | Douglas, Jas. & Son, Caledonia, Ont | 88 00 | |

# SCHEDULE D—*Concluded*

| No. of Vote | Service | Amount | Total |
|---|---|---|---|
| | | $ cts. | $ cts. |
| | AGRICULTURE—*Concluded* | | |
| | Omichinski, J. A., Kawende, Man. | 26 00 | |
| | McMillan, Ford, Finch, Ont. | 38 00 | |
| | Gagnon, Jos., St. Henri de Taillon, Que. | 32 00 | |
| | Lachance, Horace, St. Thomas Didyme, Que. | 32 00 | |
| | Chaloux, Arthur, St. Edwidge, Que. | 18 00 | |
| | Scalabrini, Alf., St. Edwidge, Que. | 28 00 | |
| | Crete, Moise, St. Malo d'Auckland, Que. | 6 00 | |
| | Moreau, Florent, St. Malo d'Auckland, Que. | 20 00 | |
| | Chaloux, Philias, St. Edwidge, Que. | 10 00 | |
| | Crete, Donat, St. Malo d'Auckland, Que. | 40 00 | |
| | Brule, Odilon, Rigaud, Que. | 20 00 | |
| | | | 897,972 00 |
| | IMMIGRATION AND COLONIZATION | | |
| 337 | Immigration salaries and contingencies—Further amount required. | 48,000 00 | |
| 338 | Chinese Immigration, salaries and contingencies—Further amount required. | 3,300 00 | |
| 339 | Relief of distressed Canadians outside of Canada—Further amount required. | 1,000 00 | |
| | | | 52,300 00 |
| | SOLDIER AND GENERAL LAND SETTLEMENT | | |
| 340 | To provide for such advances as may be approved by the Director of Soldier Settlement for the payment of arrears of 1931 taxes on Soldier Settlement properties occupied by soldier settlers, British family settlers or other settlers and on reverted properties leased during the year 1931, pursuant to agreement with the Unions of Municipalities of Alberta, Saskatchewan and Manitoba dated March 29, 1930. | ..... | 394,497 00 |
| | PENSIONS | | |
| 341 | Salaries and contingent expenses of the Board of Pension Commissioners for Canada—Further amount required. | ..... | 40,000 00 |
| | NATIONAL DEFENCE | | |
| 342 | *Militia Services*— | | |
| 343 | Cadet Services—To meet balance of commitments. | 260,000 00 | |
| | Non-Permanent Active Militia—Further amount required. | 50,000 00 | |
| 344 | *General*— | | |
| | Miscellaneous: | | |
| | To authorize refund to the widow of the late Sergeant-Major Henry Hinde of his contributions to the militia pension fund | 919 32 | |
| | | | 310,919 32 |
| | PUBLIC WORKS | | |
| | *(Chargeable to Capital)* | | |
| | HARBOURS AND RIVERS | | |
| 345 | Fort William and Port Arthur Harbours—Further amount required. | ..... | 11,000 00 |
| | PUBLIC WORKS | | |
| | *(Chargeable to Income)* | | |
| | PUBLIC BUILDINGS | | |
| | *Quebec* | | |
| 346 | Montreal—Postal Station at Rosemount, to purchase site. | 15,000 00 | |
| | Ste. Anne de Bellevue—Public Building—Under Contract—Further amount required—Revote. | 8,000 00 | |

SCHEDULE D—Concluded

# SCHEDULE D—*Continued*

| No. of Vote | Service | Amount | Total |
|---|---|---|---|
| | PUBLIC WORKS—*Continued* | $ cts. | $ cts. |
| | *(Chargeable to Income)*—Continued | | |
| | PUBLIC BUILDINGS—*Concluded* | | |
| | *Ontario* | | |
| 347 | London Armouries—Government's share of cost of local improvements—Further amount required | 2,600 00 | |
| | *Manitoba* | | |
| 348 | Brandon Public Building—Fittings, alterations and improvements—Revote | 2,000 00 | |
| | *Saskatchewon* | | |
| 349 | Qu'Appelle—To purchase Union Bank Building for Postal purposes | 3,000 00 | |
| | *Alberta* | | |
| 350 | Calgary—Public Building—Under Contract—Revote | 7,000 00 | |
| | *British Columbia* | | |
| 351 | Vancouver—Site for public building addition—To provide for payment of $100,000 of which $49,484.76 is to be made payable to the Montreal Trust Company and C. M. O'Brian, agent of the Minister of Justice, and the balance payable jointly to Victor Spencer and C. M. O'Brian, agent of the Minister of Justice | 100,000 00 | |
| | *Public Buildings Generally* | | |
| | Ottawa—Photographic accommodation for the Royal Canadian Mounted Police | 1,500 00 | |
| | Ottawa—Paving roadways, etc | 5,000 00 | |
| | Ottawa—C. Jackson Booth, for restoration of Transportation Building | 19,925 00 | |
| 352 | Ottawa—Laboratory for Department of Mines, Booth St. and alterations—Revote | 4,000 00 | |
| | Ottawa—Central Heating Plant—Improvements and repairs | 7,700 00 | |
| | Ottawa—Connaught Building—Alterations and improvements | 3,000 00 | |
| | *Rents, Repairs, Furniture, Heating, Etc.* | | |
| | *Ottawa Public Buildings and Grounds*— | | |
| | Departments Generally—Char Service—Further amount required to provide for taking over Char Service at the Geodetic and Observatory buildings formerly paid by Interior Department | 3,500 00 | |
| | Telephone Service—Further amount required | 7,500 00 | |
| 353 | Heating, including salaries of engineers, firemen and watchmen—Further amount required | 10,000 00 | |
| | *Dominion Public Buildings*— | | |
| | Salaries of Caretakers, Engineers, Firemen, etc.—Further amount required | 40,000 00 | |
| | Light and Power—Further amount required | 33,500 00 | |
| | HARBOURS AND RIVERS | | |
| | *Nova Scotia* | | |
| | Little Anse—Breakwater—Under contract—To complete payments | 3,200 00 | |
| 354 | Lunenburg—Dredging | 17,000 00 | |
| | Malagash—Wharf improvements—Revote | 5,000 00 | |
| | *Prince Edward Island* | | |
| 355 | Cardigan—To provide wharf accommodation | 6,000 00 | |

## SCHEDULE D—*Continued*

| No. of Vote | Service | Amount | Total |
|---|---|---|---|
| | | $ cts. | $ cts. |
| | PUBLIC WORKS—*Concluded* | | |
| | *(Chargeable to Income)*—Concluded | | |
| | HARBOURS AND RIVERS—*Concluded* | | |
| | *New Brunswick* | | |
| 356 | Dredging Miramichi River | 12,000 00 | |
| | *Quebec* | | |
| 357 | Beauharnois—Wharf reconstruction—Under contract—Revote | 2,000 00 | |
| | Temiskaming Dam—Reconstructing Quebec side | 70,000 00 | |
| | *Ontario* | | |
| 358 | Byng Inlet—Dredging—Further amount required to complete payments on contracts | 500 00 | |
| | Toronto—Harbour improvements—Revote $12,000 | 24,000 00 | |
| | *British Columbia* | | |
| 359 | Arrowhead—Extension of landing slip | 5,000 00 | |
| | Fraser River—Repairs to protection work at Rosedale, the Provincial Government and Municipality of Chilliwack each to contribute a like amount | 800 00 | |
| | Fraser, Skeena and Naas Rivers—Operation and maintenance of snagboats | 25,000 00 | |
| | Ganges—Wharf improvements | 1,800 00 | |
| | DREDGING | | |
| 360 | Dredging—Ontario and Quebec—Further amount required | 50,000 00 | |
| | TELEGRAPH AND TELEPHONE LINES | | |
| | *Nova Scotia* | | |
| 361 | Telephone line from Cain Mountain to Estmere | 860 00 | |
| | Purchase of telegraph pole line between Troy and Seaside | 1,200 00 | |
| | *New Brunswick* | | |
| 362 | Telephone line from Middle Caraquet to St. Simon | 950 00 | |
| | *Saskatchewan and Alberta* | | |
| 363 | Pelican—Building for Telegraph Service | 900 00 | |
| | Building for Telegraph Service on Fort McMurray line | 900 00 | |
| | *British Columbia* | | |
| 364 | Telephone line from Fort St. John to Montney | 3,500 00 | |
| | MISCELLANEOUS | | |
| 365 | Surveys and Inspections—Further amount required | 15,000 00 | 518,835 00 |
| | MAIL SUBSIDIES AND STEAMSHIP SUBVENTIONS | | |
| 366 | Additional amount required to provide, as authorized by the Governor in Council, for coastal subsidies and to meet obligations under existing contracts | | 82,497 50 |

## SCHEDULE D—*Continued*

| No. of Vote | Service | Amount | Total |
|---|---|---|---|
| | | $ cts. | $ cts. |
| | **OCEAN AND RIVER SERVICE** | | |
| 367 | Hydrographic Survey—To provide for the balance of advance, unaccounted for, to the late G. A. Bachand, Officer-in-Charge of C.G.S. *Cartier*, and Gulf of St. Lawrence Hydrographic Survey, who was drowned while on duty on June 8, 1931 | 899 61 | |
| 368 | Radio Service—Further amount required | 500,000 00 | |
| 369 | Amount to provide for expenses in connection with the representation of Canada at the International Radio Conference at Madrid, Spain, in September, 1932 | 15,000 00 | |
| | | | 515,899 61 |
| | **LIGHTHOUSE AND COAST SERVICE** | | |
| 370 | Maintenance and repairs to wharves—Further amount required | | 5,000 00 |
| | **SCIENTIFIC INSTITUTIONS** | | |
| | DEPARTMENT OF MARINE | | |
| 371 | Meteorological Service, including Magnetic Observatory—Further amount required | | 100,000 00 |
| | **STEAMBOAT INSPECTION** | | |
| 372 | Steamboat Inspection—Further amount required | | 15,080 00 |
| | **MINES AND GEOLOGICAL SURVEY** | | |
| 373 | Geological Survey— For publications of English and French editions of reports, maps, illustrations, etc.—Further amount required | 10,000 00 | |
| 374 | Mines Branch— For publications, English and French, purchase of books, instruments, miscellaneous assistance and contingencies—Further amount required | 10,000 00 | |
| | | | 20,000 00 |
| | **LABOUR** | | |
| 375 | Annuities Act—Further amount required to provide for commissions for sale of Annuities | 25,000 00 | |
| 376 | To reimburse the Dominion Government Annuities Fund to cover amounts misappropriated by Annuity Agent C. G. Beveridge, Vancouver, B.C. | 42,000 00 | |
| | | | 67,000 00 |
| | **PUBLIC PRINTING AND STATIONERY** | | |
| 377 | Printing and binding official publications for sale and distribution to departments and the public—Further amount required | | 7,500 00 |
| | **INDIANS** | | |
| 378 | To provide for expenses connected with the administration of Indian Affairs, including salaries, supplies, relief, medical attendance, hospitalization, dwellings, agricultural activities, surveys, roads, bridges, irrigation, dyking, education, etc.—Further amount required | | 219,100 00 |
| | **ROYAL CANADIAN MOUNTED POLICE** | | |
| 379 | Maintenance—Further amount required | | 200,000 00 |

## SCHEDULE D—*Continued*

| No. of Vote | Service | Amount | Total |
|---|---|---|---|
| | | $ cts. | $ cts. |
| | GOVERNMENT OF THE NORTHWEST TERRITORIES | | |
| 380 | Radio Services—For the maintenance and operation of the Northwest Territories Radio System—Further amount required | | 33,000 00 |
| | DOMINION LANDS, PARKS, ETC. | | |
| 381 | To cover professional assistance engaged by the Governor in Council to assist Departmental officers who are advising re International and Boundary Waterway questions | 5,000 00 | |
| | To provide for the expenses incurred under the Lake of the Woods Control Board Act, 1921, and under the agreement between the Dominion, Ontario and Manitoba, confirmed by the Lac Seul Conservation Act, 1928, for the construction of a dam at the outlet of Lac Seul and its operation by the Lake of the Woods Control Board, money expended to be reimbursed to the Dominion by the Province of Manitoba under the terms of paragraph 8 of the Manitoba Transfer Agreement | 21,000 00 | |
| | Advancement of forest conservation in Canada—Further amount required | 12,000 00 | |
| | Amount required to cover the payment of retiring leave to officials other than those on Civil Government | 11,000 00 | |
| | | | 49,000 00 |
| | PENSIONS AND NATIONAL HEALTH | | |
| 382 | Grant to Last Post Fund—Further amount required | 5,000 00 | |
| 383 | War Veterans' Allowances—Further amount required | 200,000 00 | |
| | | | 205,000 00 |
| | MISCELLANEOUS | | |
| 384 | Grant to Executive of the World's Postal Union towards their expenses when they meet in Canada in 1933 | 25,000 00 | |
| 385 | To provide for the expenses of the Royal Commission on Transportation | 50,000 00 | |
| 386 | To provide for payments in connection with movements of coal under conditions prescribed by the Governor in Council and for the cost of administration thereof—Further amount required | 650,000 00 | |
| 387 | To provide for expenses in connection with the Imperial Economic Conference and to authorize employment of staff, notwithstanding anything to the contrary in the Civil Service Act—Further amount required | 100,000 00 | |
| 388 | To provide for expenses of representation at the Disarmament Conference | 30,000 00 | |
| 389 | To provide for Canada's contribution to the International Wheat Information Service | 7,300 00 | |
| 390 | To provide for an honorarium to Chief Justice Brown, notwithstanding anything to the contrary in the Judges Act | 500 00 | |
| 391 | To provide for grants to veterans of the North West Mounted Police, who served in the North West Rebellion of 1885, in lieu of scrip, $300 each, as authorized by the Governor-in-Council | 37,500 00 | |
| 392 | Public Archives—Further amount required | 3,000 00 | |
| 393 | Federal District Commission—To provide for maintenance and improvement of properties under the control of the Federal District Commission | 55,000 00 | |
| 394 | Grant to John Thomas Miner (Jack Miner) to assist him in his wild life conservation work | 2,500 00 | |
| 395 | To provide for the Book of Remembrance of members of the Canadian Forces, and Canadians in the Forces of the British Empire, who lost their lives in the Great War | 10,000 00 | |
| 396 | Grant to the National Council of Education | 5,000 00 | |

## SCHEDULE D—*Continued*

| No. of Vote | Service | Amount | Total |
|---|---|---|---|
| | | $ cts. | $ cts. |
| | MISCELLANEOUS—*Concluded* | | |
| 397 | Pending the establishment of a Trust Fund of $25,000, as an expression of the friendly interest of Canada in the celebration in 1930 of the 1000th Anniversary of the establishment of the Icelandic Parliament, to pay to the Government of Iceland the sum of $1,250, being one year's interest at the rate of 5 per cent per annum on the said sum of $25,000. | 1,250 00 | |
| 398 | To provide for the administration of the Bankruptcy Act—Further amount required | 25,000 00 | |
| | | | 1,002,050 00 |
| | NATIONAL REVENUE | | |
| 399 | To provide for Collection of the Revenue—Further amount required to supplement item No. 277 in the Main Estimates | | 789,811 65 |
| | POST OFFICE—OUTSIDE SERVICE | | |
| 400 | Salaries and Allowances—Further amount required | 200,000 00 | |
| | Miscellaneous Expenditure—For manufacturing postage stamps, post cards, envelopes, post bands, etc.—Further amount required | 66,000 00 | |
| | | | 266,000 00 |
| | TRADE AND COMMERCE | | |
| 401 | Commercial Intelligence Service, including miscellaneous expenditure in connection with Canada's trade—Further amount required | 10,873 35 | |
| 402 | Dominion Bureau of Statistics—Further amount required for census | 35,000 00 | |
| | | | 45,873 35 |
| | ADJUSTMENT OF WAR CLAIMS | | |
| 403 | To provide for the payment of claims for compensation for loss sustained by the civil population and prisoners of war of Canada during the late war, interest thereon and cost of administration | | 500,000 00 |
| | Total | | 6,620,472 95 |

Third Session, Seventeenth Parliament, 22-23 George V, 1932

THE HOUSE OF COMMONS OF CANADA.

# BILL 102.

An Act to amend the Special War Revenue Act.

First reading, May 23, 1932.

The MINISTER OF FINANCE.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
45292 1932

3rd Session, 17th Parliament, 22-23 Geo. V, 1932

THE HOUSE OF COMMONS OF CANADA.

# BILL 102.

An Act to amend the Special War Revenue Act.

R.S., c. 179; 1928, c. 50; 1929, c. 57; 1930, c. 43; 1931, c. 54.

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Part III repealed and re-enacted.

**1.** Part III of the *Special War Revenue Act*, chapter one hundred and seventy-nine of the Revised Statutes of Canada, 1927, as amended by section one of chapter fifty-seven of the statutes of 1929, is repealed as of and from the first day of January, 1932, and the following is substituted therefor:—

## "PART III.

### Insurance Premiums Other Than Life and Marine.

Definitions "British company".

"**13.** In this Part, unless the context otherwise requires,

*(a)* 'British company' means any corporation incorporated under the laws of the United Kingdom of Great Britain and Northern Ireland or any British Dominion or possession other than Canada or a province of Canada, for the purpose of carrying on the business of insurance, and includes any association of persons formed in the said Kingdom or in any such Dominion or possession on the plan known as Lloyds whereby each associate underwriter becomes liable for a stated, limited or proportionate part of the whole amount insured by a policy;

"Company".

*(b)* 'company' includes any corporation or any society or association, incorporated or unincorporated, or any partnership, or any 'exchange', or any underwriter, carrying on the business of insurance, other than a

EXPLANATORY NOTES

**1.** Part III of the Special War Revenue Act as it now stands, reads as follows:—(The sections, subsections or paragraphs missing below were repealed by chapter 57 of the statutes of 1929).

"PART III

INSURANCE PREMIUMS OTHER THAN LIFE

**"13.** In this Part, unless the context otherwise requires,

*(b)* 'company' includes any corporation or any society or association, incorporated or unincorporated, or any partnership, carrying on the business of insurance, other than a life insurance company, a company transacting marine insurance or a fraternal benefit society:

*(d)* 'Superintendent' means the Superintendent of Insurance.

**"16.** Every person resident in Canada, who insures his property situate in Canada, or any property situate in Canada in which he has an insurable interest, other than that of an insurer of such property, against risks other than marine risks.

*(a)* with any British or foreign company or British or foreign underwriter or underwriters, not licensed under the provisions of the Insurance Act, to transact business in Canada; or

*(b)* With any association of persons formed for the purpose of exchanging reciprocal contracts of indemnity upon the plan known as inter-insurance and not licensed under the provisions of the Insurance Act, the chief place of business of which association or of its principal attorney-in fact is situate outside of Canada;

shall on or before the thirty-first day of December in each year pay to the Minister, in addition to any other tax payable under any existing law or statute, a tax of five per centum of the total net cost to such person of all such insurance for the preceding calendar year.

2. For the purposes of this section every corporation carrying on business in Canada shall be deemed to be a person resident in Canada.

**"20.** Every person to whom section sixteen of this Act applies shall on or before the thirty-first day of December in each year make a return in writing to the Superintendent stating the names of the companies, societies of underwriters or associations to whom the insurance was effected by him or on his behalf, the amount of such insurance and the net cost thereof in each case.

**"21.** Every person who fails or neglects to make the return required by the last preceding section or pay to the Minister within the time limited by section sixteen hereof the tax thereby imposed, shall incur a penalty of fifty dollars for each and every day during which such default continues."

corporation transacting life insurance, a corporation transacting marine insurance, or a purely mutual corporation in respect of any year in which the net premium income in Canada of such mutual corporation is to the extent of not less than fifty per centum thereof derived from the insurance of farm property against fire, or a fraternal benefit society;

"Canadian company".

*(c)* 'Canadian company' means a company incorporated or legally formed in Canada for the purpose of carrying on the business of insurance, and having its head office in Canada;

"Exchange".

*(d)* 'Exchange' means a group of persons formed for the purpose of exchanging reciprocal contracts of indemnity or inter-insurance with each other through the same attorney;

"Foreign company".

*(e)* 'foreign company' means any corporation incorporated under the laws of any foreign country, for the purpose of carrying on the business of insurance, and includes any association of persons formed in any such country upon the plan known as Lloyds whereby each associate underwriter becomes liable for a stated, limited or proportionate part of the whole amount insured by a policy and any 'exchange';

"Net premiums".

*(f)* 'net premiums' means the gross premiums received or receivable by the company or paid or payable by the insured less the rebates and return premiums paid on the cancellation of policies: Provided that in the case of a mutual company which carries on business on the premium deposit plan and in the case of an exchange 'net premiums' means the actual net cost of the insurance to the insured during the taxation period together with interest on the excess of the premium deposit over such net cost at the average rate earned by the company on its funds during the said period;

"Superintendent".

*(g)* 'Superintendent' means the Superintendent of Insurance.

Tax on certain insurance companies upon net premiums.

"**14.** (1) Every company authorized under the laws of the Dominion of Canada, or of any province thereof to transact the business of insurance, other than a mutual company carrying on business on the premium deposit plan and an exchange, shall pay to the Minister a tax of one per centum upon the net premiums received by it in

Canada, less net premiums paid for reinsurance to companies to which this subsection applies, during the year 1932 and each calendar year thereafter.

Other companies.

(2) Every mutual company authorized under the laws of the Dominion of Canada or of any province thereof to transact the business of insurance and which carries on business on the premium deposit plan and every exchange so authorized shall pay to the Minister a tax of two per centum upon the net premiums received by it in Canada during the calendar year 1932, and each calendar year thereafter.

Premiums deemed premiums received in Canada.

(3) Premiums received in respect of policies insuring persons resident, or property situate, in Canada at the time such insurance was effected or renewed, whether or not payment was made in Canada, shall be deemed to be premiums received in Canada for the purpose of this section.

Tax on life and marine insurance companies, etc., for other class of insurance.

"**15.** Every company, being a corporation transacting life insurance, or a corporation, underwriter or association transacting marine insurance, which transacts in Canada, in addition to its business of life insurance or of marine insurance, a class of insurance other than life or marine insurance, shall be subject to the provisions of this Part in respect of such other business as fully as if it were not authorized to transact the business of life insurance or of marine insurance.

Tax on insurance with British or foreign company or exchanges.

"**16.** (1) Every person resident in Canada who, after the thirty-first day of December, 1931, insures or has insured his property situate in Canada in which he has an insurable interest, other than that of an insurer of such property, or renews or has renewed any such insurance, against risks other than marine risks,

*(a)* with any British or foreign company; or

*(b)* with any exchange, the chief place of business of which exchange or of its principal attorney-in-fact is situate outside of Canada,

which, on or before the first day of July, 1932, or at the time such insurance is effected or renewed if after the last mentioned date, is not authorized under the laws of the Dominion of Canada or of any province thereof to transact the business of insurance, shall, on or before the first day of March, 1933, and on or before the first day of March in each year thereafter, pay to the Minister, in addition

to any other tax payable under any other existing law or statute, a tax of fifteen per centum of the net premiums paid or payable by such person in respect of such insurance for the next preceding calendar year.

Residence of corporation.

(2) For the purpose of this section, every corporation carrying on business in Canada, shall be deemed to be a person resident in Canada.

Return to be made by certain companies.

"**17.** (1) Every company to which subsection one of section fourteen of this Act applies shall, on or before the last day of July, 1932, make a return to the Superintendent on a form to be furnished by him showing the gross premiums received by it, and the rebates, return premiums on cancellation of policies and reinsurance premiums paid by it, during the six months ending on the last day of the month preceding the date on which such return is filed, and quarterly thereafter a return in the same form and with the same information covering the three months ending on the last day of the month preceding the date on which such return is filed.

Return to be made by other companies.

(2) Every company to which subsection two of section fourteen applies shall, on or before the first day of March, 1933 and on or before the first day of March in each year thereafter make a return to the Superintendent on a form to be furnished by him showing the amount of all insurance on property effected or renewed by such company in Canada and the net premiums in respect of such insurance received by the company, in each case, during the preceding calendar year.

How signed.

(3) Such return shall, in the case of a Canadian company, be signed by the president, vice-president, managing director or secretary; in the case of a company other than a Canadian company, by the chief agent of the company in Canada, or in the case of a company not having a chief agent in Canada, in such manner as the Minister may prescribe.

Amount of tax to be remitted with return.

(4) Every such company shall at the time of making such return remit to the Superintendent the amount of the tax payable under the provisions of this Part in respect of the net premiums received by it during the period covered by the return.

Return to the Minister.

"**18.** (1) Every person to whom section sixteen of this Act applies shall, on or before the first day of March in each year, make a return in writing to the Minister stating the names of the companies and exchanges with which the insurance was effected by him or on his behalf, during the preceding calendar year the amount of such insurance and the net premiums paid or payable in each case.

Return by broker or agent.

(2) Any person who, on or after the first day of January, 1931, acting as a broker or agent, obtained, effected, placed or assisted, or obtains, effects, places or assists in obtaining, effecting or placing insurance with companies or exchanges, the net premiums on which are taxable under the provisions of section sixteen of this Act, shall, on or before the tenth day of January in each year, make a return to the Minister showing the name and address of each person on whose behalf such insurance was, or has been, so effected during the preceding calendar year.

Examination of books and records.

"**19.** The Superintendent or any officer of his Department appointed by him may visit the head office of the company in the case of a Canadian company, or the chief agency or principal place of business in Canada, or other place in Canada where the records respecting the Canadian business are maintained, in the case of a company other than a Canadian company, and examine the books and records of the company for the purpose of verifying any return required by this Part, and the Superintendent and such officer shall have the right of access to such books and records at all reasonable hours.

Penalty for refusal or neglect to make returns.

"**20.** (1) Every company to which section fourteen or section fifteen of this Act applies which refuses or neglects or whose chief agent or attorney, as the case may be, refuses or neglects to make any return as required by this Part shall be liable to a penalty not exceeding fifty dollars for each and every day during which such refusal or neglect continues.

Penalty for false or deceptive statements.

(2) Every president, vice-president, managing director, secretary, officer, clerk or servant, agent or attorney of such company, who wilfully makes a false or deceptive statement in the return aforesaid or in any of the books and records of the company from which such return is compiled, shall be guilty of an indictable offence punishable, unless a greater punishment is in any case by law prescribed therefor, by imprisonment for a term not exceeding five years.

Penalty for negligent returns or making untrue entries.

(3) Every president, vice-president, managing director, secretary, officer, clerk or servant, agent or attorney of such company, who negligently prepares or signs a return or record of the company containing a false or deceptive statement or who negligently makes an untrue entry in the books of the company affecting the correctness of the return shall be guilty of an indictable offence punishable, unless a greater punishment is in any case by law prescribed therefor, by imprisonment for a term not exceeding three years.

Penalty for default.

"**21.** Every person who fails or neglects to make the return required by section eighteen of this Act, or to pay to the Minister within the time limited by section sixteen of this Act, the tax thereby imposed, shall incur a penalty of fifty dollars for each and every day during which such default continues.

Certain amounts not deductable.

"**22.** Notwithstanding anything contained in section seven of the *Income War Tax Act*, a taxpayer shall not be entitled to deduct from the tax payable by him under the said Act the amount paid for corresponding periods under the provisions of section sixteen of this Act."

Sections repealed.

**2.** Sections one and twenty-four of *An Act to amend the Special War Revenue Act*, chapter fifty-four of the statutes of 1931, are hereby repealed.

Part IV.

**3.** The said Act is further amended by inserting the following sections as Part IV thereof:—

"PART IV.

TAX ON CABLE, TELEGRAPH AND TELEPHONE MESSAGES.

Definitions. "Telegraph operator."

"**24.** In this Part, unless the context otherwise requires,

*(a)* 'telegraph operator' means any person who undertakes for a payment in money to transmit messages from a place in Canada to any place within or without Canada by cable or telegraph or by any system of radio telegraphy, and includes the officers, servants, agents or employees of the Government of Canada or of any province of Canada or of any Commission or Board established by or under the authority of the Government of Canada or of any Province;

**2.** Section one of chapter fifty-four of the statutes of 1931 was intended to repeal and reenact Part III of the Special War Revenue Act, section twenty-four stated that section one would "come into force on a date to be fixed by the Governor in Council". However, as the proclamation of the Governor in Council was not issued, section one never became law.

**3.** A tax of five cents is imposed upon cable and telegraph (including radio) messages originating in Canada. A tax is imposed on long distance telephone calls of 6% of the amount charged for a call. In case of a call from a public pay station the tax is five cents on a call costing more than 25 up to 80 cents and 5 cents for each additional charge of 80 cents or fraction of 80 cents. The section revives the former Part IV of the Act, which was repealed on May 1st, 1929, and which imposed a tax at the flat rate of three cents on cable and telegraph messages only. The inclusion of long distance telephone calls is new.

"Telephone operator."

*(b)* 'telephone operator' means any person who undertakes to transmit the human voice by telephone, whether by the use of cables, wires or otherwise from any place in Canada to any place within or without Canada, and includes the officers, servants, agents or employees of the Government of Canada or of any province of Canada or of any Commission or Board established by or under the authority of the Government of Canada or of any province;

"Despatch."

*(c)* 'despatch' means any despatch or message, other than press despatches or commercial news despatches, received for transmission at any of a telegraph operator's offices in Canada for transmission, and includes a message to be transmitted by any form of radio telegraphy;

"Long distance telephone call."

*(d)* 'long distance telephone call' includes a call by radio telephone.

"Operator."

*(e)* 'operator' includes telegraph operator and telephone operator.

Tax on despatches.

"**25.** (1) Every telegraph operator shall pay to the Minister, on the first day of February, May, August and November in each year, a sum equal to five cents upon each despatch transmitted during the three months ending respectively on the last day of December, March, June and September preceding;

Tax on long distance telephone calls.

(2) Every telephone operator shall pay to the Minister, on the first day of February, May, August and November in each year, a sum equal to six per cent of the charge made to the person paying or liable to pay the same in respect of every long distance telephone call made during the three months ending respectively on the last day of December, March, June and September preceding: Provided that upon long distance telephone calls made from any public pay station, whether operated by means of automatic slot machines or otherwise, there shall be paid in lieu of the tax otherwise imposed by this subsection, the sum of five cents for each such call for which a charge of more than twenty-five cents and not more than eighty cents is made, and five cents for each additional charge of eighty cents or any fraction of eighty cents: Provided further that the tax imposed by this subsection shall in no case be greater than twenty-five cents on any one call.

Collection of tax.

(3) It shall be lawful for the operator to add to the regular charge for every such despatch or call the amount of the tax imposed by this section and to collect the same from the person paying or liable to pay for the transmission of the despatch or call. This subsection shall apply to the Crown as well in the right of the Dominion as in the right of any province.

Exception.

(4) No tax shall be imposed upon any despatch or telephone call for which no charge is made by the operator.

Returns.

"**26.** (1) Every operator shall make quarterly to the Commissioner of Excise or officer of the Department of National Revenue authorized by the Commissioner to receive the same, a return in accordance with a form approved by the Commissioner, setting forth the number of despatches or long distance telephone calls taxable under this Part, and the amount payable in respect thereof.

Delivery and period of returns.

(2) Such return shall be prepared and forwarded by post or delivered on or before the first day of February, May, August and November in each year and shall be for the three months ending respectively on the last day of December, March, June and September preceding.

One return from company as a whole.

(3) If the operator is an incorporated company, it shall make one return for the company as a whole unless the Minister by regulation prescribes that the return shall be confined to the business of the company within a particular area or district.

Signatures.

(4) If the operator is an incorporated company the return shall be signed by

*(a)* the general manager, manager or other chief executive officer of the company; or

*(b)* the chief executive officer of the company for the area or district in respect of which the return is made in case the Minister shall have made a regulation prescribing an area or district under subsection three of this section; or

*(c)* the chief executive officer or agent in Canada or in the area or district in Canada prescribed under subsection three of this section in case of a company incorporated outside of Canada.

If operator is a department, a province, etc.

(5) If the operator is a department of the Government of Canada or of any province, or a commission or board established by or under Governmental authority, the return shall be made by such person or persons as the Minister may by regulation prescribe.

Proof of date of posting.

(6) If any return required by this Part is sent by post, the date appearing by the stamp or mark of the post office upon the envelope or wrapper enclosing the return shall be taken *prima facie* to be the date upon which the same was sent.

Record of despatches or calls.

"**27.** The operator shall make and keep a record of all taxable despatches or long distance telephone calls in books prepared in such form as will enable an audit to be made thereof to the satisfaction of the Minister.

Inspection of books, etc.

"**28.** The records, books, accounts and vouchers of the operator shall be open at all reasonable hours to the inspection of any officer or other person authorized by the Minister to inspect the same.

Penalty for neglect to keep a record.

"**29.** (1) Every operator who refuses or neglects to make and keep a record, in such form as is prescribed, of all despatches or long distance telephone calls, shall be liable to a penalty not exceeding one thousand dollars.

Penalty for neglect to send return.

(2) Every operator who refuses or neglects to send or deliver the return prescribed shall be liable to a penalty of twenty-five dollars for each and every day during which such refusal or neglect continues.

Penalty for false or deceptive statements.

"**30.** (1) Everyone who wilfully makes a false or deceptive statement in the return or in any record, book, account or report of the operator from which the return is compiled, shall be guilty of an indictable offence punishable, unless a greater punishment is in any case by law prescribed therefor, by imprisonment for a term not exceeding five years.

Penalty for negligent returns or making untruc entries.

(2) Everyone who negligently prepares or signs any such return, record, account or report, or who negligently makes an untrue entry in any book of the operator affecting the correctness of the return shall be guilty of an indictable offence punishable, unless a greater punishment is in any case by law prescribed therefor, by imprisonment for a term not exceeding three years."

Part V.

**4.** The said Act is further amended by inserting the following sections as Part V thereof:—

"PART V.

TAX ON SEATS, BERTHS AND OTHER SLEEPING ACCOMMODATION.

Definition. "Person."

"**31.** In this Part, unless the context otherwise requires, 'person', in addition to including any body corporate or politic, shall be deemed to include:

(i) the officers, clerks and servants of railways subject to the *Government Railways Act.*

(ii) the officers, clerks and servants of any railway operated by or under the authority of the Lieutenant Governor in Council of any province.

Tax on pullman seats.

"**32.** (1) Every purchaser of a seat in a pullman or parlour car shall, in addition to the price paid for such seat, pay to the person selling such seat, for the Consolidated Revenue Fund, ten cents.

Tax on sleeping accommodation.

(2) Every purchaser of a berth in a sleeping car or of other sleeping accommodation on a railway train shall pay to the person selling the berth or other sleeping accommodation, for the Consolidated Revenue Fund, in addition to the price paid therefor, a sum equal to ten per cent of the said price, provided that in no case shall the tax imposed by this subsection be less than twenty-five cents.

**4.** A tax of ten cents is imposed on the purchase of a seat in a pullman or parlour car and a tax of 10 per cent of the purchase price on the purchase of a berth or other sleeping accommodation in a railway train, the latter tax to be in no case less than 25 cents.

The section revives Part V of the Act, which was repealed as of May 1st, 1929, and which imposed similar taxes, not only on the purchase of parlour car seats and sleeping car berths, but upon railway and steamship tickets in certain cases. The machinery for the collection and payment of the tax and the penalties for non-payment or breach of the requirements of the Part has been repeated in substantially the same form with some verbal modifications made in the interests of clarity. The clauses which specifically bind the Crown in this and the preceding section are new.

(3) This section shall apply to the Crown as well in the right of the Dominion as in the right of any Province and to any officer, servant, agent or employee thereof.

Collection of tax.

"**33.** It shall be the duty of the person selling such seat, berth or other sleeping accommodation, to collect from the purchaser thereof, for the Consolidated Revenue Fund, the sum payable under this Part.

Quarterly returns.

"**34.** (1) The person selling shall make quarterly to the Commissioner of Excise, or officer authorized by the Commissioner to receive the same, a return in such form as may be approved by the Minister setting forth the seats, berths or other sleeping accommodation so sold and the sum received in respect thereof for the Consolidated Revenue Fund.

Delivery and period of returns.

(2) Such return shall be prepared and forwarded by post or delivered on or before the first day of February, May, August and November in each year, and shall be for the three months ending respectively on the last day of December, March, June and September preceding.

Tax remitted with returns.

(3) At the time of the transmission or delivery of the return the sum so received during the three months shall be paid to the Minister.

One return from company as a whole.

(4) Where the person selling is a body corporate (in this subsection and in subsection five of this section called 'the company') it shall make one return for the company as a whole, unless the Minister by regulation prescribes that the return shall be confined to the business of the company within a particular area or district.

Signatures.

(5) The return shall be signed by

*(a)* the person selling;

*(b)* in the case of a company, the general manager, manager, or other chief executive officer of the company;

*(c)* the chief executive officer of the company for the area or district in respect to which the return is made in case the Minister shall have made a regulation prescribing an area or district under subsection four of this section;

*(d)* the chief executive officer or agent in Canada or in the area or district in Canada prescribed under subsection four of this section in the case of a company incorporated outside of Canada.

Proof of date of posting.

(6) If any return required by this Part is sent by post, the date appearing by the post office stamp or mark upon the envelope or wrapper enclosing the return shall be taken *prima facie* to be the date upon which the return was sent.

Record and account by Government officials.

"**35.** The last preceding section shall apply to officers, clerks and servants of railways subject to the *Government Railways Act* and of any railway operated by or under the authority of the Lieutenant Governor in Council of any province.

Record and audit.

"**36.** The person selling any seat, berth or other sleeping accommodation shall make and keep a record of the seats, berths or other sleeping accommodation sold to which this Part applies and of the sums received for the Consolidated Revenue Fund in respect thereof in such form as will enable an audit to be made to the satisfaction of the Minister, of the seats, berths and other sleeping accommodation sold.

Books, etc., open to inspection.

"**37.** For the purpose of verifying the return or of ascertaining the amount payable to the Minister, the records, books, accounts and vouchers of the person selling shall be open at all reasonable hours to the inspection of any officer or other person authorized by the Minister to inspect the same.

Penalty for neglecting to keep record.

"**38.** Every person selling any seat, berth or other sleeping accommodation who neglects to make and keep a record thereof in such form as is prescribed shall be liable to a penalty not exceeding one thousand dollars.

Penalty for neglecting to send returns.

"**39.** Everyone who neglects to send or deliver the return prescribed shall be liable to a penalty not exceeding twenty-five dollars for each and every day during which such neglect continues.

Penalty for false or deceptive statements.

"**40.** Everyone who wilfully makes a false or deceptive statement in the return or in the records, accounts or books from which the return is compiled shall be guilty of an indictable offence punishable, unless a greater punishment is in any case by law prescribed therefor, by imprisonment for a term not exceeding five years.

Liability of seller of ticket, etc., upon non-compliance with Act.

"**41.** If, by reason of non-compliance with any of the requirements of this Part, any sum of money required by its provisions to be collected and paid is not so collected and paid, the person selling the seat, berth or other sleeping accommodation shall nevertheless be liable to pay such sum."

Cheques.

**5.** Section forty-four of the said Act, as enacted by section two of chapter fifty-four of the statutes of 1931, is repealed and the following is substituted therefor:—

"CHEQUES.

Stamp tax on cheques.

"**44.** No person shall

*(a)* issue a cheque payable at or by a Bank or drawn upon or addressed to a Bank and requiring or directing payment of a sum of money; or

*(b)* present to a bank for payment a cheque as defined in paragraph *(c)* (ii) of the last preceding section;

unless there is affixed thereto an adhesive excise or postage stamp of the value hereinafter specified, or unless there is impressed thereon by means of a die an excise stamp of the value of:

**5, 6, 7.** The stamp taxes imposed by Part VI of the Act are increased to three cents on every instrument drawn for a sum exceeding five dollars and not exceeding one hundred dollars and to six cents on every instrument drawn for a sum exceeding one hundred dollars.

(i) three cents, if the amount of money for which the cheque is drawn exceeds five dollars but does not exceed one hundred dollars;

(ii) six cents if the amount of money for which the cheque is drawn exceeds one hundred dollars."

Bills of exchange, etc.

**6.** Subsection one of section forty-five of the said Act is repealed and the following is substituted therefor:—

"BILLS OF EXCHANGE AND PROMISSORY NOTES.

Stamp tax on bills and notes.

"**45.** (1) Subject to the provisions hereinafter set out, no person shall

*(a)* transfer a bill of exchange or promissory note to a bank in such manner as to constitute the Bank the holder thereof; or

*(b)* deliver a bill of exchange or promissory note to a bank for collection; or

*(c)* when selling foreign exchange, issue for the purpose a bill of exchange drawn upon a person outside of Canada according to the tenor of the bill;

unless there is affixed thereto an adhesive excise or postage stamp of the value hereinafter specified, or unless there is impressed thereon by means of a die an excise stamp of the value of:

(i) three cents if the amount of money for which the bill or note is drawn does not exceed one hundred dollars;

(ii) six cents if the amount of money for which the bill or note is drawn exceeds one hundred dollars."

Receipts to Banks.

**7.** Section forty-seven of the said Act as enacted by section four of chapter fifty-four of the statutes of 1931, is repealed and the following is substituted therefor:—

"RECEIPTS TO BANKS.

Stamp tax on receipts for money paid by Bank.

"**47.** No person shall sign a receipt for money paid to him by a bank chargeable against a deposit of money to his credit, unless there is affixed thereto an adhesive excise or postage stamp of the value hereinafter specified, or unless there is impressed thereon by means of a die an excise stamp of the value of:

(i) three cents if the amount of money for which the receipt is given exceeds five dollars and does not exceed one hundred dollars;

(ii) six cents if the amount of money for which the receipt is given exceeds one hundred dollars."

Exemption from tax repealed.

**8.** Paragraph *(e)* of section sixty-one of the said Act, as enacted by section five of chapter fifty-four of the statutes of 1931, is repealed.

8. The exemption of inter-dealer trading from the stock transfer tax imposed by section 58 is repealed.

**9.** Subsection one of section sixty-five of the said Act, as enacted by section six of chapter fifty-four of the statutes of 1931, is repealed and the following is substituted therefor:—

Stamp tax on money orders, etc.

"**65.** (1) No money order or traveller's cheque shall be issued by an express company, bank or other person unless there is affixed thereto an adhesive excise or postage stamp of the value hereinafter specified, or unless there is impressed thereon by means of a die an excise stamp of the value of:

(i) three cents if the amount of money for which the money order or traveller's cheque is drawn exceeds five dollars but does not exceed one hundred dollars;

(ii) six cents if the amount of money for which the money order or traveller's cheque is drawn exceeds one hundred dollars."

Money orders.

**10.** Section sixty-nine of the said Act, as enacted by section seven of chapter fifty-four of the statutes of 1931, is repealed and the following is substituted therefor:—

"MONEY ORDERS.

Stamp tax on money orders of Post Office.

"**69.** No money order for an amount exceeding five dollars shall be issued under the provisions of the *Post Office Act* unless there is affixed thereto or to the relative advice a postage stamp of the value of:

(i) three cents, if the amount of money for which the order is drawn exceeds five dollars but does not exceed one hundred dollars;

(ii) six cents if the amount of money for which the order is drawn exceeds one hundred dollars."

**11.** (1) Subsection one of section eighty-six of the said Act, as enacted by section eleven of chapter fifty-four of the statutes of 1931, is repealed and the following is substituted therefor:—

Consumption or sales tax of six per cent.

"**86.** (1) There shall be imposed, levied and collected a consumption or sales tax of six per cent on the sale price of all goods,—

Goods produced or manufactured in Canada.

*(a)* produced or manufactured in Canada, payable by the producer or manufacturer at the time of the delivery of such goods to the purchaser thereof. Provided that in the case of any contract for the sale of goods wherein it is provided that the sale price shall be paid to the manufacturer or producer by instalments as the work progresses, or under any form of conditional sales agreement, contract of hire-purchase or any form of contract whereby the property in the goods sold does not pass to the purchaser thereof until a future date, notwithstanding partial payment by instalments, the said tax shall be payable pro tanto at the time each

**9** and **10.** The stamp taxes imposed by Parts VIII and IX, on Money Orders and Travellers' cheques and Post Office Money Orders, are increased to three cents on every such instrument drawn for an amount of money exceeding five dollars and not exceeding one hundred dollars, and to six cents on every such instrument drawn for an amount of money exceeding one hundred dollars.

**11.** The consumption or sales tax, imposed by section 86, is increased from four to six per cent. The special proviso introduced at the last session of Parliament regarding contracts entered into prior to the 2nd of March, 1931, has been omitted. It reads as follows:—

"Provided further that if any manufacturer or producer has prior to the 2nd day March, 1931, made a *bona fide* contract for the sale of goods to be delivered after this section comes into force, and if such contract does not permit the adding of the whole of the tax imposed by this section to the amount to be paid under such contract, then so much of the tax by this section imposed as may not under such contract be added to the contract price shall be payable by the purchaser to the vendor and by the vendor to His Majesty, but in case the vendor refuses or neglects to collect such tax from the purchaser the vendor shall be liable to His Majesty for the payment of such tax;"

of such instalments falls due and becomes payable in accordance with the terms of the contract, and all such transactions shall for the purposes of this section, be regarded as sales and deliveries. Provided further that in any case where there is no physical delivery of the goods by the manufacturer or producer, the said tax shall be payable when the property in the said goods passes to the purchaser thereof;

Goods imported.

*(b)* imported into Canada, payable by the importer or transferee who takes the goods out of bond for consumption at the time when the goods are imported or taken out of warehouse for consumption; or

Goods sold by licensed wholesalers.

*(c)* sold by a licensed wholesaler, payable by the vendor at the time of delivery by him, and the said tax shall be computed on the duty paid value of goods imported or if the goods were manufactured or produced in Canada, on the price for which the goods sold were purchased by the said licensed wholesaler and the said price shall include the amount of the excise duties on goods sold in bond."

(2) Subsection four of section eighty-six of the said Act, as enacted by subsection three of section eleven of chapter fifty-four of the statutes of 1931, is repealed and the following is substituted therefor:—

Tax on raw furs.

"(4) There shall be imposed, levied and collected a like tax of six per cent upon the current market value of all raw furs, dressed and/or dyed in Canada, payable by the dresser or dyer at the time of delivery by him."

**12.** Section eighty-eight of the said Act, as enacted by section fourteen of chapter fifty-four of the statutes of 1931, is repealed and the following is substituted therefor:—

Excise tax of three per cent on duty paid value.

"**88.** (1) In addition to any duty or tax that may be payable under this Part, or any other statute, there shall be imposed, levied and collected a special excise tax of three per cent on the duty paid value of all goods imported into Canada payable by the importer or transferee who takes the goods out of bond for consumption at the time when the goods are imported or taken out of warehouse for consumption. Provided that the said tax shall not apply to goods, the duty paid value of which does not exceed twenty-five dollars, when imported by mail or express, or by the owner thereof when entering Canada unless more than one entry of such goods be made by one importer during one day from one country, in which case the tax shall be applicable: Provided also that when raw furs imported into Canada are exported therefrom, a drawback of the tax paid may be granted under regulations to be made by the Minister.

**12.** A special excise tax on importations imposed by section 88 of the Act, as enacted by section 14 of chapter 54 of the Statutes of 1931, is increased from one to 3 per cent.

(2) The tax imposed by this section shall not apply to the articles enumerated in Schedule V of this Act."

**13.** Section one hundred and six of the said Act, as amended by section three of chapter forty-three of the statutes of 1930, and by section twenty of chapter fifty-four of the statutes of 1931, is repealed and the following is substituted therefor:—

Monthly returns of taxable sales.

"**106.** (1) Every person liable for taxes under Parts XI, XII, and XIII of this Act and every manufacturer or producer licensed under section ninety-five thereof, and every wholesaler or jobber licensed under section ninety-six thereof, shall file each month a true return of his taxable sales for the last preceding month in accordance with regulations made by the Minister. The said return shall be verified by statutory declaration made by the person liable to pay the tax, his attorney or agent. The declaration required under this section may be made before any person designated by the Minister to receive the same and every such person shall, for the purposes of this section, have the powers of a commissioner for taking affidavits.

No taxable sales.

(2) If no taxable sales have been made during the last preceding month, a return verified as hereinbefore provided, shall be filed, stating that no such taxable sales have been made.

Penalty for not filing returns.

(3) The penalty for failure to file the return required by subsections one and two of this section, within the time required by subsection four hereof, shall be a sum not less than ten dollars and not exceeding one hundred dollars.

Date of filing and payment.

(4) The said return shall be filed and the tax paid not later than the last day of the first month succeeding that in which the sales were made.

Additional penalties on default.

(5) In default of payment of the said tax or any portion thereof within the time prescribed by this Act or by regulations established thereunder, there shall be paid in addition to the amount in default, a penalty of two-thirds of one per centum of the amount in default, in respect of each month or fraction thereof, during which such default continues."

Schedule repealed and re-enacted.

**14.** Schedule III to the said Act, as amended by section twenty-two of chapter fifty-four of the statutes of 1931, is repealed and the following is substituted therefor:—

"SCHEDULE III

Bread, not to include rolls, buns or similar goods, whether sweetened or not; flour, including self-raising flour; oatmeal, rolled oats, cornmeal and rolled wheat, when in packages exceeding five pounds each in weight; buckwheat

**13.** Section 106 is amended to make it clear that every licensee must file the required monthly return whether he has made any taxable sales during the preceding month or not. The section is further amended to provide a minimum penalty of $10.00 for failure to file the required return, instead of a maximum penalty of not more than $25.00.

**14.** SCHEDULE III. The list of articles exempt from sales tax is amended by removing therefrom the following words:—

"Bakers' cake and pies, not to include biscuits;" "and substitutes therefor" in line seven of the said schedule; "lard compound and similar substances, made from animal or vegetable stearine or oils;" "materials for use solely in the manufacture of any substitute for butter or lard;" "extract of rennet;" "ice cream;"

Also under the heading "Goods Enumerated in Customs Tariff Items;" the following figures and words, namely:—

"**45.** Milk Foods, n.o.p., prepared cereal foods, in packages not exceeding twenty-five pounds weight each;"

"**46.** Prepared cereal foods, n.o.p.;"

And that the word "lard" where it first appears in line eight of the said Schedule be struck out and the words "lard, when produced in Canada" be substituted.

and inserting in Schedule IV a provision exempting goods made by the blind in Institutions established for their care or under the control or direction of such Institutions.

meal and pea meal; pearl barley; split peas; barley meal; pot barley; animals living; live poultry; meats and poultry, fresh; milk, including buttermilk, condensed milk, evaporated milk and powdered milk; cream; butter; cheese; lard, when produced in Canada; eggs, vegetables, fruits, grains and seeds in their natural state; shorts; bran and middlings when for use as cattle, hog, poultry or other stock feed, or when sold for human consumption in packages exceeding five pounds each in weight; alfalfa meal; oil cake, oil cake meal; grains mixed or crushed for cattle or poultry feed; hay; straw; hops, when produced in Canada; nursery stock; vegetable plants; other farm produce sold by the individual farmer of his own production; bees; honey; sugar; molasses; corn syrup; maple syrup and sugar cane syrup; salt, when manufactured or produced in Canada; ice; fish and products thereof; ores of metals of all kinds; fuel of all kinds; gold and silver in ingots, blocks, bars, drops, sheets or plates unmanufactured; British and Canadian coin and foreign gold coin; logs and round unmanufactured timber; split fence posts; fence posts, railroad ties, pulpwood, tan bark, and other articles the product of the forest, when produced and sold by the individual settler or farmer; newspapers and quarterly, monthly, bimonthly and semi-monthly magazines and weekly literary papers unbound; materials for use only in the construction, equipment and repair of ships; ships licensed to engage in the Canadian coasting trade; calcium carbide; radium; electricity; gas manufactured from coal, calcium carbide or oil for illuminating or heating purposes; artificial limbs, and parts thereof; artificial eyes; donations of clothing and books for charitable purposes; settlers' effects; War Veterans' badges; memorials or monuments erected in memory of soldiers who fell in the Great War; articles for the use of the Governor General; articles imported for the personal or official use of the British High Commissioner, Ministers of Foreign Countries, Consuls General who are natives or citizens of the country they represent and who are not engaged in any other business or profession; bibles, missals, prayer books, psalm and hymn books, religious tracts, and Sunday school lesson pictures; manila fibre for use only in the manufacture of rope not exceeding one and one-half inches in circumference for the fisheries; boats *bona fide* purchased by individual fishermen for their own personal use in the fisheries; articles and materials used in the manufacture of boats *bona fide* built for individual fishermen for their own personal use in the fisheries; sinkers, and floats including trawl kegs, when for use exclusively in the fisheries, not including these articles for sportsmen's purposes; fibre for use only in the manufacture of binder twine; fertilizers; dried beet pulp; manuscript; raw furs;

wool not further prepared than washed; drain tiles for agricultural purposes; printed text-books authorized by the Department of Education of any province in Canada and phonograph records so authorized for instruction in the English and the French language, and materials used exclusively in the manufacture or production thereof; insulin; calf, cattle, hog, fox or poultry feed; rice, cleaned; macaroni and vermicelli; meats, salted or smoked; carbolic or heavy oil, to be used only in cresoting logs and round unmanufactured timber; cream separators and parts thereof; cars and other similar appliances for use exclusively at a mine or a quarry for mining or quarrying; articles and materials to be used exclusively in the manufacture of cars and other similar appliances for use exclusively at a mine or a quarry for mining or quarrying; articles and materials to be used exclusively in the manufacture of cream separators and parts thereof; materials, not to include plant equipment, consumed in process of manufacture or production, which enter directly into the cost of goods subject to the consumption or sales tax, manufactured or produced by a licensed manufacturer or producer; articles and materials, not to include permanent equipment, which enter into the cost of manufacture or production of goods manufactured or produced by a licensed manufacturer or producer; wrought, seamless, or lap-welded iron or steel tubing, less than four inches in diameter, threaded and coupled, or not, when used only in oil wells, and materials used in the manufacture of such tubing; machinery and apparatus used only in the pumping of crude oil out of wells, and articles and materials used in the manufacture of such machinery or apparatus. Usual coverings to be used exclusively for covering goods not subject to the consumption or sales tax; materials to be used exclusively in the manufacture of usual coverings to be used for covering goods not subject to the consumption or sales tax.

Woollen rolls or wool yarn milled for a producer of wool from such wool supplied by him for his own use; cotton duck and cotton sail twine to be used only in the manufacture of equipment for ships or vessels; official stationery imported by His Majesty's Trade Commissioners in Canada from His Majesty's Stationery Office in England; crushed stone, produced or manufactured by any municipality exclusively for use in building or maintaining its roads or sidewalks, and not for sale, and sand, gravel, rubble and field stone; lasts for boots and shoes including rubber foot-wear and patterns and dies for boots and shoes including rubber foot-wear; apples, dried, desiccated or evaporated; articles and materials for the sole use of any *bona fide* public hospital certified to be such by the Department of National Health, when purchased in good faith for

use exclusively by the said hospital and not for resale; preparations for use exclusively as gopher poison; baker's cake and pies when produced by any one manufacturer or producer to the value of not more than five thousand dollars in any one calendar year.

GOODS ENUMERATED IN CUSTOMS TARIFF ITEMS:

40. Salt for use of the sea or gulf fisheries;

64. Sago and tapioca;

173. Books, embossed, and grooved cards for the blind; and books for the instruction of the deaf and dumb and blind; maps and charts for the use of schools for the blind;

175. Books not printed or reprinted in Canada, which are included and used as text books in the curriculum of any university, college or school in Canada; books specially imported for the *bona fide* use of incorporated mechanics' institutes, public libraries, libraries of universities, colleges and schools, or for the library of any incorporated medical, law, literary, scientific, or art association or society, and being the property of the organized authorities of such library, and not in any case the property of individuals—the whole under regulations prescribed by the Minister,—provided that importers of books who have sold the same for the purpose mentioned in this item, shall, upon proof of sale and delivery for such purpose, be entitled to a refund of any duty paid thereon;

209b. Nicotine sulphate;

219a. Non-alcoholic preparations or chemicals for disinfecting, dipping or spraying, n.o.p.;

219c. Non-alcoholic preparations or chemicals, such as are used for disinfecting, dipping, or spraying, when in packages not exceeding three pounds each, in weight;

Dry preparations used for the same purposes as goods enumerated in Items 219a and 219c.;

281. Fire brick, containing not less than ninety per cent of silica; magnesite fire brick or chrome fire brick; other fire brick valued at not less than one hundred dollars per one thousand, rectangular shaped, the dimensions of each not to exceed one hundred and twenty-five cubic inches, for use exclusively in the construction or repair of a furnace, kiln or other equipment of a manufacturing establishment;

281a. Fire brick, n.o.p., for use exclusively in the construction or repair of a furnace, kiln, or other equipment of a manufacturing establishment;

352a. Bells, when imported for use in churches only;

391a. Castings, of iron or steel: being ingot moulds for use in the production of steel;

406. Coil chain, coil chain links, including repair links, and chain shackles of iron or steel;

409a. Milking machines and attachments therefor; centrifugal machines for testing butterfat, milk or cream; complete parts of all the foregoing;

409b. Cultivators, harrows, seed-drills, horse-rakes, horse-hoes, scufflers, manure spreaders, garden seeders, weeders, and complete parts of all the foregoing;

409c. Ploughs; farm, field, lawn or garden rollers; soil packers; complete parts of all the foregoing;

409d. Mowing machines, harvesters, either self-binding or without binders, binding attachments, reapers, harvesters in combination with threshing machine separators including the motive power incorporated therein, and complete parts of all the foregoing;

409e. (i) Spraying and dusting machines and attachments therefor, including hand sprayers; apparatus specially designed for sterilizing bulbs; pressure testing apparatus for determining maturity of fruit; pruning hooks; pruning shears; animal dehorning instruments; and complete parts of all the foregoing;

(ii) Fruit and vegetable grading, washing and wiping machines and complete parts therefor;

409f. Hay loaders, hay tedders, potato planters, potato diggers, fodder or feed cutters, ensilage cutters, grain crushers and grain or hay grinders for farm purposes only, post hole diggers, snaths, stumping machines and all other agricultural implements or agricultural machinery, n.o.p., and complete parts of all the foregoing;

409g. Incubators for hatching eggs, brooders for rearing young fowl, and complete parts of all the foregoing;

409i. Scythes, sickles or reaping hooks, hay or straw knives, edging knives, hoes, pronged forks, rakes, n.o.p.;

409j. Fanning mills; peaviners; corn husking machines; threshing machine separators, including wind stackers, baggers, weighers and self-feeders therefor; complete parts of all the foregoing;

409k. Windmills and complete parts thereof, not including shafting;

409n. Portable engines with boilers, in combination, for farm purposes; horse powers and traction engines for farm purposes, n.o.p.; and complete parts of all the foregoing;

409o. Equipment for generating electric power for farm purposes only, viz.: engine, gas tank, generator, storage battery, and switchboard; and complete parts of all the foregoing;

410b. Machinery and apparatus for use exclusively in washing or dry cleaning coal at coal mines or coke plants; machinery and apparatus for use exclusively in producing coke and gas; machinery and apparatus for use exclusively in the distillation or recovery of products from coal tar or gas; and complete parts of all the foregoing, not to include motive power, tanks for gas, nor pipes and valves $10\frac{1}{2}$ inches or less in diameter;

410c. Machinery and apparatus and complete parts thereof for use exclusively in producing unrefined oil from shales, not to include motive power, of a class or kind not made in Canada;

410d. Well-drilling machinery and apparatus, and complete parts thereof, of a class or kind not made in Canada, and seamless iron or steel tubing over eight inches in diameter, for use exclusively in drilling for water, natural gas or oil, and in prospecting for minerals, but not to include motive power; including goods enumerated in this item of a class or kind made in Canada;

410e. Well-drilling machinery and apparatus and complete parts thereof, and rope twenty-one hundred feet and over in length, capable of drilling wells of two thousand feet and over in depth, of four inches and over in diameter, and of raising and lowering casing over four inches in diameter for such wells, for use exclusively in drilling for water, natural gas and oil, and in prospecting for minerals, not to include motive power;

410f. Machinery and appliances of iron or steel, of a class or kind not made in Canada, and elevators, and machinery of floating dredges, for use exclusively in alluvial gold mining;

410g. Articles for use exclusively in the metallurgy or smelting of iron, viz.: machinery and apparatus for sintering or nodulizing iron ore, concentrated or not, or flue dust; machinery and apparatus for use exclusively in the construction, equipment and repairs of blast furnaces for smelting iron ore, such machinery and apparatus to include hot blast stoves and burners, blast piping and valves connecting the blowing engines with the furnace, scale cars, charging and hoisting apparatus, blast furnace gas piping, cleaners and washers; and integral parts of all the foregoing, but not to include wrought iron pipe or valves $10\frac{1}{2}$ inches and under in diameter, nor structural iron work;

410k. Machinery and apparatus, of a class or kind not made in Canada, for use exclusively in handling ore and other materials to be charged into the blast furnace, from the dock, car or stock pile, at the smelting works;

410l. Ore crushers, rock crushers, stamp mills, grinding mills, rock drills, percussion coal cutters, coal augers, rotary coal drills, n.o.p., and complete parts of all the foregoing, for use exclusively in mining, metallurgical or quarrying operations;

410m. Diamond drills and core drills, not including motive power, and electrically operated rotary coal drills, of a class or kind not made in Canada, and integral parts of the foregoing, for use exclusively in mining operations;

410n. Diamond drills and core drills, not including motive power, and electrically operated rotary coal drills, n.o.p., and integral parts of the foregoing, for use exclusively in mining operations;

410o. Coal cutting machines, n.o.p.; coal heading machines; electric or magnetic machines for concentrating or separating iron ores; automatic scales for use with conveyors; and integral parts of all the foregoing, for use exclusively in mining or metallurgical operations;

410p. Sundry articles of metal as follows, for use exclusively in mining and metallurgical operations, viz.: furnaces for the smelting of ores; converting apparatus for metallurgical processes in metals; machinery for the extraction of precious metals by the chlorination or cyanide processes, not to include pumps, vacuum pumps or compressors; blast furnace blowing engines for the production of pig iron; and integral parts of all the foregoing;

410q. Pumps and vacuum pumps, and complete parts thereof, for use exclusively in the extraction of precious metals by the chlorination or cyanide processes;

410s. Amalgam safes; automatic ore samplers; automatic feeders; retorts; mercury pumps; pyrometers; bullion furnaces; amalgam cleaners; and integral parts of all the foregoing, for use exclusively in mining or metallurgical operations;

410z. Machinery and apparatus, n.o.p., and complete parts thereof, for the recovery of solid or liquid particles from flue or other waste gases at metallurgical or industrial plants, not to include motive power, tanks for gas, nor pipes and valves $10\frac{1}{2}$ inches or less in diameter;

411. Machinery for use in sawing lumber, up to but not including the operation of planing, and complete parts thereof, not to include motive power, when for use exclusively in saw mills (for the purpose of this item motive power is defined as equipment for driving the machinery of the saw mill);

411a. Machinery, logging cars, cranes, blocks and tackle, wire rope, but not including wire rope to be used for guy ropes or in braking logs going down grade, and complete parts of all the foregoing, for use exclusively in the operation of logging, such operation to include the removal of the log from stump to skidway, log dump or common or other carrier;

411b. Cylinder stave saws, wheel type stave jointers, crozing and champhering machinery, when for use exclusively in making staves;

431. Shovels and spades, of iron or steel, n.o.p.;

431a. Axes;

439c. Farm wagons, farm sleds, logging wagons, logging sleds, and complete parts thereof;

439d. Freight wagons, drays, sleighs, n.o.p., and complete parts thereof;

440k. Engines and complete parts thereof, to be used exclusively in the propulsion of boats or in hoisting nets and lines used in such boats *bona fide* owned by individual

fishermen for their own use in the fisheries, under regulations prescribed by the Minister;

442. Articles which enter into the cost of manufacture of the goods enumerated in Tariff Items 409a, 409b, 409c, 409d, 409e, 409f, 409g, 409j, 409o, and 439c, when imported by manufacturers for use exclusively in the manufacture in their own factories of the goods enumerated in tariff items 409a, 409b, 409c, 409d, 409e, 409f, 409g, 409j, 409o, and 439c, under regulations prescribed by the Minister;

442a. Notwithstanding the provisions of tariff item 442, materials or commodities as hereunder defined or described, when imported by manufacturers for use exclusively in the manufacture, in their own factories, of the goods enumerated in tariff items 409a, 409b, 409c, 409d, 409e, 409f, 409g, 409j, 409o, and 439c, under regulations prescribed by the Minister:—

(1) Pig iron;

(2) Bars or rods, of iron or steel, hot rolled;

464. Steel dies, of a class or kind not made in Canada, valued at not less than one thousand dollars each, for use exclusively in stamping metal sheets or metal plates: Provided that such dies shall be exported from Canada under Customs supervision within three months from the date of import entry;

476. Surgical and dental instruments of any material; surgical needles; X-ray apparatus; surgical operating tables for use in hospitals; microscopes valued at not less than $50 each by retail; and complete parts of all the foregoing:

476a. Glassware and other scientific apparatus for laboratory work in public hospitals; apparatus for sterilizing purposes, including bedpan washers and sterilizers but not including washing or laundry machines; all for the use of any public hospital, under regulations prescribed by the Minister;

480. Crutches or specially constructed staffs for cripples;

538. Binder twine or twine for harvest binders;

663b. Articles which enter into the cost of the manufacture of fertilizers, when imported for use exclusively in the manufacture of fertilizers;

666. Nitro-glycerine, giant powder, nitro and other explosives;

667. Blasting and mining powder;

682. Fish hooks, for deep-sea or lake fishing, not smaller in size than number 2·0; bank, cod, pollock and mackerel fish lines; and mackerel, herring, salmon, seal, seine, mullet, net and trawl twine in hanks or coil, barked or not—in variety of sizes and threads—including gilling thread in balls, and head ropes for fishing nets; marline, and net norsels of cotton, hemp or flax; and fishing nets or seines, and manila rope, not exceeding one and one-half inches in circumference, when used exclusively for the fisheries, not

to include hooks, lines, nets or ropes commonly used for sportsmen's purposes;

692. Coins, cabinets of; collections of medals and collections of postage stamps; medals of gold, silver or copper, and other metallic articles actually bestowed as trophies or prizes and received and accepted as honorary distinctions, and cups or other metallic prizes (not usual merchantable commodities), won in *bona fide* competitions;

695a. Paintings in oil or water colours, and pastels, valued at not less than twenty dollars each; paintings and scupltures by artists domiciled in Canada but residing temporarily abroad for purposes of study, under regulations by the Minister;

696. Philosophical and scientific apparatus, utensils, instruments, and preparations, including boxes and bottles containing the same; maps, photographic reproductions, casts as models, etchings, lithographic prints or charts; mechanical equipment of a class or kind not made in Canada. All articles in this item, when specially imported in good faith for the use and by order of any society or institution incorporated or established solely for religious, philosophical, educational, scientific or literary purposes, or for the encouragement of the fine arts, or for the use and by order of any public hospital, college, academy, school, or seminary of learning in Canada, and not for sale, under regulations prescribed by the Minister;

700. Animals and articles brought into Canada temporarily and for a period not exceeding three months, for the purpose of exhibition or of competition for prizes offered by any agricultural or other association: Provided a bond shall be first given in accordance with regulations prescribed by the Minister, with the condition that the full duty to which such animals or articles would otherwise be liable shall be paid in case of their sale in Canada, or if not re-exported within the time specified in such bond;

701. Menageries, horses, cattle, carriages and harness of, under regulations prescribed by the Minister;

702. Carriages for travellers, and carriages laden with merchandise, not to include circus troupes or hawkers, under regulations prescribed by the Minister;

703. Travellers' baggage, under regulations prescribed by the Minister;

704. Apparel, wearing and other personal and household effects, not merchandise, of British subjects dying abroad, but domiciled in Canada; books, pictures, family plate or furniture, personal effects and heirlooms left by bequest;

1017. Lap-welded tubing of iron or steel, not less than four inches in diameter threaded and coupled or not, when used in casing water, oil and natural gas wells, or for the transmission of natural gas under high pressure from gas wells to points of distribution;

UNENUMERATED:

Iron or steel pipe, not butt or lap-welded, and wirebound wooden pipe, not less than thirty inches in internal diameter, for use in alluvial gold mining; including articles and materials used exclusively or consumed in the manufacture of the said pipe.

ARTICLES AND MATERIALS TO BE USED EXCLUSIVELY IN THE MANUFACTURE OF GOODS ENUMERATED IN CUSTOMS TARIFF ITEMS:

219a, 219c,—Dry preparations used for the same purposes as goods enumerated in Items 219a and 219c, 281, 281a, 391a, 406a, 406b, 409a, 409b, 409c, 409d, 409e, 409f, 409g, 409i, 409j, 409k, 409n, 409o, 410b, 410d, including goods enumerated in this item of a class or kind made in Canada; 410e, 410f, 410g, 410k, 410l, 410m, 410n, 410o, 410p, 410q, 410s, 410z, 411, 411a, 411b, 431, 431a, 439c, 439d, 440k, 442, 442a, 476, 476a, 480, 538, 663, 663a, 663b, 666, 667, 696, tubing enumerated in Customs Tariff Item 1017;

MATERIALS, NOT TO INCLUDE PLANT EQUIPMENT, CONSUMED IN PROCESS OF MANUFACTURE OR PRODUCTION, WHICH ENTER DIRECTLY INTO THE COST OF GOODS ENUMERATED IN CUSTOMS TARIFF ITEMS:

281, 281a, 391a, 406a, 406b, 409a, 409b, 409c, 409d, 409e, 409f, 409g, 409i, 409j, 409k, 409n, 409o, 410b, 410d, including goods enumerated in this item of a class or kind made in Canada; 410e, 410f, 410g, 410k, 410l, 410m, 410n, 410o, 410p, 410q, 410s, 410z, 411, 411a, 411b, 431, 431a, 439c, 439d, 440k, 442a, 476, 476a, 480, 538, 663, 663a, 666, 667, 696, tubing enumerated in Customs Tariff Item 1017."

New Schedule IV.

**15.** Schedule IV to the said Act, as enacted by section twenty-three of chapter fifty-four of the statutes of 1931, is repealed and the following is substituted therefor:—

"SCHEDULE IV

Boots and shoes, including rubber footwear;

Creosoted railroad ties;

Printing paper for use exclusively in producing newspapers and quarterly, monthly, bimonthly and semi-monthly magazines, weekly literary papers unbound, bibles, missals, prayer books, psalm and hymn books, religious tracts and Sunday School lesson pictures;

**15.** SCHEDULE IV. The list of articles upon which a half rate only of sales tax is imposed, is amended by deleting the words "biscuits of all kinds".

All articles manufactured or produced by the labour of the blind in institutions in Canada established for their care or under the control or direction of such institutions;

Moist mince meat;

Yeast.

THE GOODS ENUMERATED IN CUSTOMS TARIFF ITEMS AS FOLLOWS WHEN PRODUCED OR MANUFACTURED IN CANADA:

89. Vegetables, prepared, in air-tight cans or other air-tight containers;

*(a)* Beans, baked or otherwise prepared;

*(b)* Corn and tomatoes;

*(c)* Peas;

*(d)* N.O.P.;

90. Vegetables, prepared or preserved:

*(d)* Pastes, hash and all similar products, composed of vegetables and meat or fish, or both, n.o.p.;

105. Fruit pulp, with sugar or not, n.o.p., and fruits, crushed or frozen;

105d. Jellies, jams, marmalades, preserves, fruit butters and condensed mince meats;

106. Fruits, prepared, in air-tight cans or other air-tight containers:

*(a)* Apricots, peaches and pears;

*(b)* Pineapples;

*(c)* N.O.P."

Schedule V added.

**16.** The said Act is further amended by adding the following Schedule thereto as Schedule V:—

"SCHEDULE V.

Articles on which other excise taxes are imposed on importation by Part XI of this Act; raw leaf tobacco when imported by licensed tobacco or cigar manufacturers; material for the manufacture of binder twine for export, when imported by the manufacturers thereof; British and Canadian coin and foreign gold coin, bullion and unmanufactured gold; fish and other products of the fisheries of Newfoundland; fish caught by fishermen in vessels registered in Canada or owned by any person domiciled in Canada, and the products thereof carried from the fisheries in such vessels; donations of clothing for charitable purposes; animals for the improvement of stock; boards, planks and deals of fir, spruce, pine, hemlock or larch, in the rough, or not further manufactured than planed or dressed on one side, when imported from a country which admits free of duty similar lumber imported from Canada; goods enumerated in Customs Tariff Items 700, 702, 703, 704, 705, 705a, 706, 707, 708 and 709."

**16.** The articles exempt from the special excise tax imposed by section 88 are made into a separate Schedule as Schedule V. The words underlined are new, the article described having been already declared exempt from the tax by Order-in-Council.

When sections 3 to 7, and 9 and 10 come into force.

**17.** Sections three to seven inclusive, nine and ten of this Act shall be deemed to have come into force on the second day of May, 1932.

When sections 11, 12, 14, 15 and 16 come into force.

**18.** Sections eleven, twelve, fourteen, fifteen and sixteen of this Act shall be deemed to have come into force on the seventh day of April, 1932, and to have applied to all goods imported and taken out of warehouse for consumption on and after that day and to have applied to goods previously imported for which no entry for consumption was made before that date, and the rate of consumption or sales tax imposed by section eleven of this Act shall apply to any stocks of goods, wares and merchandise in the hands of licensed wholesalers on that date: Provided, however, that in respect of the following goods specified in Schedule III of this Act, namely, "oatmeal, rolled oats, cornmeal and rolled wheat, when in packages exceeding five pounds each in weight" and "bran and middlings when for use as cattle, hog, poultry or other stock feed, or when sold for human consumption in packages exceeding five pounds each in weight", this section shall be deemed to have come into force on the 24th day of May, 1932; and provided further that the following goods enumerated in Schedule IV to this Act, namely, "all articles manufactured or produced by the labour of the blind in institutions in Canada established for their care or under the control or direction of such institutions" shall be deemed to have been included in Schedule III of this Act from the seventh day of April, 1932, to the 23rd day of May, 1932, inclusive.

French version amended.

1931, c. 54, s. 5.

"**19.** (1) Paragraph *(b)* of section sixty-one of the French version of the said Act, as enacted by section five of chapter fifty-four of the statutes of 1931, is amended by striking out the word "émises" in the fourth line of said paragraph and substituting therefor the word "réparties."

1931, c. 54, s. 9.

(2) Subsection one of section seventy-one of the French version of the said Act, as enacted by section nine of chapter fifty-four of the statutes of 1931, is amended by repealing the last four lines thereof and substituting the following therefor:

"une taxe d'un cent en sus du port payable par l'expéditeur lequel doit apposer sur cette lettre ou carte postale un timbre-poste ou des timbres-poste d'une valeur qui suffise à payer à la fois le port et ladite taxe."

R.S., c. 179, s. 72.

(3) Section seventy-two of the French version of the said Act is amended by inserting the words "ou le bon de poste" after the word "mandat" in the fifth line of said section.

R.S., c. 179, s. 91.

(4) Paragraph *(a)* of section ninety-one of the French version of the said Act is amended by striking out the words "en gros" in the second line of said paragraph.

**17.** The taxes imposed on cables, telegraph and telephone messages, on purchase of seats and berths in trains, the change in the rates of stamp tax under Parts VI, VIII and IX are to come into force on the 2nd day of May, 1932.

**18.** The change in the rate of sales tax and of the special excise tax on imports, is to come into effect on the 7th day of April, being the day following the Budget Resolutions.

**19.** These amendments are for the purpose of correcting clerical errors in the French version so as to bring it more in conformity with the English version, and facilitate the operatioo of the Act in those parts of the country where the French language is used.